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aJC599 .U5U536 1998

States
Department of
Agriculture

Civil Rights Implementation Team

March 1998



Civil Rights at the United States Department of Agriculture

One Year of Change





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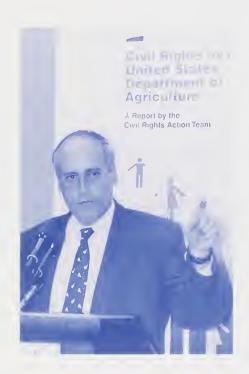
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Message from Secretary Dan Glickman



little over a year ago, USDA began the monumental task of implementing the 92 recommendations contained in "Civil Rights at the United States Department of Agriculture—A Report by the Civil Rights Action Team." Never before had USDA tackled racism and other forms of discrimination with such vigor.

The work of the Civil Rights Implementation Team eventually grew to encompass more than 300 USDA employees, who served on 33 innovative teams. Now the implementation team is turning the work over to the normal organizational structure. Thus, the work is expanding even further—to all USDA employees. All USDA employees will be responsible for assuring that all customers and all employees are treated fairly and equitably, and with dignity and respect.

I'm proud of the work we've accomplished. We have a new Civil Rights Policy. We have a new reprisal policy that will create panels to make binding recommendations to adjust the work environment or to recommend disciplinary action. For the first time at USDA, Agency Heads will be rated on their civil rights accomplishments by the Assistant Secretary for Administration. All managers and employees will be held accountable for civil rights.

We have new policies for hiring, retention, promotion, and training to help prevent workplace conflicts, disputes, and problems before they occur. Managers will be held accountable for managing workplace conflict. The goal is to address workplace disputes before they become disciplinary actions, grievances, or EEO complaints.

Since January 1, 1997, USDA has settled or closed 224 of the 1,088 program discrimination complaints in the backlog, including some cases

which dated back to the mid-1980's. Of the 2,091 employee complaints in the employee backlog, 905 have been resolved. USDA has halted all pending foreclosures of USDA farm loans until a review of each case can be made to determine if any inconsistencies exist. We've created an Office of Outreach to lead and coordinate Department-wide outreach responsibilities and strategies. The National Commission on Small Farms has recommended a national strategy to help ensure economic viability. USDA is about to establish a voluntary register of minority owned lands.

Civil rights reforms already implemented will benefit both customers and employees in reduced conflict, a more productive workplace, better morale and working relationships, more effective programs, better management, better service to customers and employees, increased productivity and more efficient operations throughout USDA.

Even though we have come a long way in a very short time, we still have work ahead of us. I am committed to making USDA the civil rights leader in the Federal Government—that will be my legacy.

Dan Glickman

- Glistoman

A New Approach to USDA's Civil Rights Problems

and began to respond to long-standing civil rights problems within USDA. As a result, USDA started a year-long journey down the road—albeit sometimes rocky—to transform its tarnished civil rights record into a new one that others may choose to emulate. This report chronicles the events and actions of the first year and what they mean for USDA, its customers, and employees.

The Secretary Confronts One of USDA's Most Obstinate Problems

On December 12, 1996, a group of black farmers demonstrated outside the White House. They were calling on President Bill Clinton to assure fair treatment for them in agricultural lending programs. In addition, the farmers filed a suit in court against Secretary of Agriculture Glickman, calling for an end to farm foreclosures and restitution for the financial ruin, which, they claimed, resulted from discrimination by USDA. The farmers' allegations had been made before. For several decades, African-American and other minority farmers have contended that they often experienced discriminatory treatment when applying for programs operated by the Department of Agriculture. A series of past reports by Congress, the U. S. Commission on Civil Rights, USDA agencies, and others largely substantiated the claims.

Similarly, USDA had a known history of complaints from USDA employees—especially women, minorities, and employees with disabilities—charging that they are often denied equal employment opportunities in the Department. During the same time that farmers were protesting at the White House, many USDA employees were continuing to pursue change by writing letters, holding press conferences, and filing complaints, including class action lawsuits. Their claims, too, had been buttressed by report after report, including a 1995 report by the General Accounting Office (GAO), which found that while women and minorities at USDA had made progress in their relative levels of representation since 1984, under-representation still exists, especially in higher grade jobs.

For the most part, the past reports sat on shelves, gathering dust, while past protests fell on deaf ears. Despite the fact that discrimination had been documented and discussed over the years, little had been done to correct the problem. This time was different. The Secretary of Agriculture decided that USDA would make a decisive break with its past and confront what has heretofore been one of the Department's most obstinate problems.

Secretary Glickman's decision preceded the President's historic initiative for a dialogue on race in America by only a few months. At USDA, under the Secretary's leadership, the dialogue began early, coming at a time when civil



rights and affirmative action are again being debated in the Supreme Court, in Congress, in institutions of higher education, and in States throughout the country. On December 17, 1997, the Secretary met with President Bill Clinton, Vice President Al Gore, and a group of black farmers to discuss civil rights at USDA.

All Americans Have a Stake in Civil Rights at USDA

The Secretary recognized that, while many of the complaints about discrimination have been lodged by minority farmers, civil rights at USDA is critical to all Americans. USDA's primary mission is to ensure that Americans have an affordable, safe, and healthy supply of food. To accomplish this mission, the Department must ensure that all citizens have an equal opportunity to access its programs and services. Tens of millions of Americans participate directly in USDA's programs. They include farmers who want to produce and market their crops; the one in ten Americans who receive food stamps; children who depend on the school lunch program and other child nutrition programs; universities engaged in agricultural research and education; small businesses seeking loans and assistance to provide jobs in rural America; rural families seeking loans to help them own homes; and more. To fully meet its mission, USDA must deliver programs and serve all customers without discrimination.

At the same time, to serve all potential customers, USDA must ensure that its agencies, with over 100,000 employees, draw on the talents and skills of our nation's increasingly diverse workforce. Employees must be recruited, hired, and promoted without regard to factors that do not impact their ability to get the job done. And, agencies must be sensitive to the needs of Americans from all communities and ethnic backgrounds.

USDA is the fourth largest Federal agency, with a 1998 program level budget of some \$84 billion. Though it is best known for its support of agriculture, the Department's mission encompasses a wide range of areas that make it one of the most important Federal agencies. Overall, USDA has eight mission areas that, collectively, impact the lives of all Americans, as well as millions of people abroad. USDA's mission areas administer many different programs, including an array of services for the farmers, ranchers, and businesses which produce more than 15 percent of the nation's Gross National Product and generate \$1 trillion in economic activity each year; programs to promote economic development in rural America; nutrition assistance to get food to people who need it; natural resource programs which help protect nearly 75 percent of the nation's land areas; marketing and regulatory programs to promote and protect our food supply; and an assortment of research, education, and economics programs.

In total, one in six Americans has a job in some aspect of the food and fiber economy: every American, without exception, benefits from U.S. agriculture.



...to serve all potential customers, USDA must ensure that its agencies, with over 100,000 employees, draw on the talents and skills of our nation's increasingly diverse workforce.

^{1 1999} Budget Summary, USDA, p. 1.

The Secretary determined that all Americans should also have an equal opportunity to participate in the Department's programs and services and to compete fairly for procurement opportunities, and agencies must use the talents and skills of all employees in fulfilling the Department's missions.

Treat Every Customer and Employee Fairly and Equitably, and With Dignity and Respect

When he outlined his plans to address civil rights at USDA, Secretary Glickman said that his primary goal is to ensure that every USDA customer and employee is treated fairly and equitably, and with dignity and respect. In short, he set a goal of transforming the culture at USDA from one of exclusion to one of inclusion. The Secretary turned to one of the Department's most seasoned leaders to spearhead the change effort. He charged Pearlie S. Reed, who, as the Associate Chief at the Natural Resources Conservation Service (NRCS), had a reputation for getting things done, with putting together a team to tell him what needed to be done.

CRAT Designs the Blueprint for Change

The Secretary established the Civil Rights Action Team, or CRAT, on December 12, 1996, the same day that farmers demonstrated at the White House. To demonstrate his sense of urgency, he charged the team with conducting a thorough internal and external audit of USDA civil rights issues and reporting back to him within 6 weeks, a time period most thought would be impossible to meet. In addition to Mr. Reed, CRAT consisted of 14 USDA managers representing eight mission areas. CRAT received administrative and executive support from another group of 19 employees, called CRAT-EX.

On December 18, 1996, Secretary Glickman ordered the temporary halt of foreclosure sales on delinquent farm loans until a case-by-case determination could be made about whether or not there was any evidence of discrimination or inconsistency in program delivery.

Later that month, Mr. Glickman announced a series of civil rights listening sessions to hear from USDA employees and the public—especially socially disadvantaged and minority farmers. Early in 1997, USDA sponsored 12 listening sessions in 11 locations across the country. In addition to members of the CRAT, many of the listening sessions were attended by USDA Subcabinet officials, Members of Congress, and members of the State Food and Agriculture Council (SFAC), which consists of the heads of USDA agencies in each State. Secretary Glickman or Deputy Secretary Richard E. Rominger attended all—with the exception of one—of the listening sessions.

The testimony CRAT heard from USDA customers and employees was often emotionally charged. Minority farmers told of years of bias, indifference, and, in some instances, hostile treatment not only by USDA employees, but also by the local county committees that oversee USDA's Farm Service Agency (FSA) programs. Minorities, women, and disabled employees said

discrimination, sexual harassment, favoritism, and reprisals were common at USDA. The Secretary also established a USDA Civil Rights hotline to receive testimony by phone. The hotline received calls daily from customers and employees—most of them with stories of how they had been mistreated by USDA. Many other customers and employees faxed and mailed comments to the CRAT.

92 Recommendations for Change

Working late into the night and weekends, CRAT digested the information from the listening sessions and hotline, audited 30 years' worth of past reports, met with organizations and individuals, debated the issues, and, finally, made decisions about what had to happen to bring about change across USDA. Within a 6-week period, CRAT produced *Civil Rights at the United States Department of Agriculture: A Report by the Civil Rights Action Team*—that was perhaps most remarkable for its absolute candor about civil rights at USDA and its speed of publication. More importantly, however, the 121-page report presented a blueprint for change—92 recommendations, including specific action plans, to remedy many of the long-standing civil rights problems. The recommendations addressed issues in four areas of concern: (1) lack of management commitment to civil rights; (2) program delivery and outreach; (3) workforce diversity and employment practices; and (4) organizational structure of civil rights.

Hold USDA Managers Accountable

The CRAT report concluded too many managers were neither committed to nor being held accountable for their actions on civil rights. At least 15 of the recommendations pertain to changes that would hold managers accountable for civil rights. For example, the report recommended that the Secretary delegate full authority to the Assistant Secretary for Administration (ASA) to rate Agency Heads on their civil rights performance and that the Department adopt and enforce a policy to act quickly when there are allegations of reprisal.

CRAT made several recommendations to ensure that USDA establishes clear expectations for civil rights and holds managers accountable for meeting those expectations.

Make USDA's Programs Accessible to All Customers

The report also found that minority farmers believed USDA has participated in a conspiracy to take their land. Minority and limited-resource customers repeatedly testified that discriminatory treatment by county committee office staff blocked their participation in USDA programs. Many farmers traced the discrimination to a lack of diversity in USDA's workforce. Additionally,



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...50 recommendations addressed ways to improve program delivery and outreach and to strengthen the Department's ability to process complaints of discrimination.

because of USDA's lack of effective leadership in civil rights, customers who filed discrimination complaints faced dealing with a dysfunctional system. Some program complaints were more than 10 years old. Not all complaints stemmed from discrimination. Some farmers, especially small and minority farmers, expressed frustration with a delivery system that offered little to meet their program needs.

Thus, some 50 recommendations addressed ways to improve program delivery and outreach and to strengthen the Department's ability to process complaints of discrimination. Key proposals included establishing an Office of Outreach; appointing a diverse commission to establish a national policy for small farms; and working with Congress and the President to give the Secretary the authority to make personnel selections at the county level where USDA's farm and rural development programs are administered. Several recommendations concerned specific actions to help small farms remain viable, including the implementation of a "Debt for Nature" program.

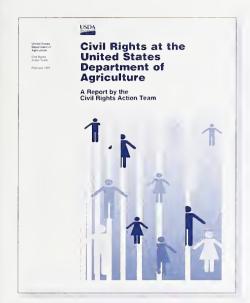
Recommendations also included plans to modernize the FSA State and county committee system by converting county non-Federal FSA positions, including county executive directors, to Federal status; changing the committee selection process; and removing county committees from any farm loan determinations. The report called for a complete review of county committees and county office staffs to determine where nepotism or conflicts of interest might exist. Finally, the report recommended that USDA act quickly to resolve a large backlog of program discrimination complaints and set time limits for processing future complaints.

Create a Diverse Workforce

Another 12 recommendations addressed workforce diversity and employment practices. According to the CRAT report, many of the problems in the program delivery system could be traced to the level of diversity in the workforce. In particular, the Department's workforce lacked sufficient diversity in the higher-graded, mostly senior managerial, positions.

To address this issue, the CRAT recommended several changes in its work-force policies and practices. These included holding managers accountable for ensuring that applicant pools are diverse; implementing USDA-wide workforce planning and recruitment processes; and involving the Secretary directly in managing and selecting the senior executives who oversee USDA's programs and employees. The report also emphasized the importance of requiring annual civil rights training for all employees.

CRAT found that despite the existence of legal time-limits for handling Equal Employment Opportunity (EEO) complaints, employees often encountered a dysfunctional system that took no action on their cases for years. Furthermore, employees and managers alike said that the Department was more concerned with settling complaints than with solving the real workplace prob-



lems. To reduce the backlog of EEO complaints, the report called for alternative ways—such as mediation—of resolving complaints for employees whose complaints had been filed prior to January 1, 1997. It recommended improvements in the complaints settlement process to ensure that it is appropriate and implemented and involves "no fault" settlements only in cases where all the parties to the dispute agree. The report also called for an independent review of USDA's EEO system to determine where it needed to be fixed.

Improve Organizational Structure of Civil Rights

Finally, CRAT identified significant organizational and structural problems that affected the Department's ability to ensure civil rights enforcement for its customers and employees. These included the absence of one highly placed official with full authority over its civil rights program; inadequate oversight and guidance to agencies from USDA's Civil Rights office; the failure to eliminate discrimination in program delivery; and widespread dissatisfaction with the role of the Office of the General Counsel (OGC).

The CRAT report included 15 recommendations to remedy these problems. One was to consolidate USDA's civil rights functions into one office that reported directly to the ASA and to immediately fill the top position with a career senior executive with demonstrated skills in civil rights management. Also, the report recommended the establishment of a civil rights division in OGC with a diverse staff of attorneys to provide legal counsel to USDA and agency officials on civil rights issues.

To ensure accountability for civil rights within each agency, the report directed each to have a civil rights director, reporting to the Agency Head. To strengthen agencies' abilities to resolve complaints, the report recommended the return of EEO counselors (whom employees turn to first with discrimination complaints) in full-time civil rights positions to the agencies from the Department's Civil Rights (CR) office. The report said that USDA should make managers responsible for preventing conflict and resolving disputes at the lowest possible level.

The CRAT Report—A Rare and Historic Opportunity for Change

On February 28, 1997, Secretary Glickman accepted the CRAT report, released it to the public, and made a commitment to take action on all 92 recommendations. "For far too long," he said, "USDA has been seen as ignoring serious, pervasive problems with our civil rights system."

Secretary Glickman released the report in an unprecedented televised meeting with his Subcabinet, which was broadcast live to USDA employees at headquarters and to field locations across the country via satellite. He followed the Subcabinet meeting with a news conference. "I consider this report



to be a rare and historic opportunity," he said. "This report is our chance to change our little corner of the world. It is our opportunity to once and for all change the culture of the Department of Agriculture." Failure to change would mean that the number of minority farmers would continue to decline; USDA would continue to under-use a significant number of its employees; USDA's liability for discrimination complaints of all kinds would continue to increase, and the effectiveness of the Department would wane.

At the same time he released the report, the Secretary also issued a new Civil Rights Policy Statement, in which he reiterated his policy that "every customer and every employee must be treated fairly and equitably and with dignity and respect." The policy statement also outlined a "zero tolerance" for retaliation of any kind. "This is a one-size-fits-all policy," he wrote, "there are no exceptions, there are no excuses."

USDA Mobilizes Resources

The challenge created by the CRAT Team report was daunting: 92 recommendations, which ranged from the simple to the complex, and ambitious timeframes. Yet, the Secretary vowed that the CRAT report would not gather dust on the shelf. With the blueprint in hand, and a determination to implement it, the Secretary turned next to pulling together the resources needed to implement the recommendations.

The Secretary's first move was to appoint Pearlie S. Reed as the Acting Assistant Secretary for Administration. At USDA, the ASA is the Department's chief civil rights official, and the Secretary wanted to ensure that Mr. Reed, who provided the leadership to write the report, was in position to do then the hard part—implement it.

Mr. Reed did not have to go far to find help. Immediately after the effort was announced, scores of employees volunteered to help, offering their skills and abilities to help achieve the Secretary's goals. Employee organizations and Agency Heads also recommended employees for the effort. Employees who were finally selected demonstrated that they had the many varied skills required to implement the recommendations. Chief among them was expertise in the particular area being addressed.

The Civil Rights Implementation Team Provides the Coordinating Force

In March, shortly after the CRAT report was released, USDA formed the Civil Rights Implementation Team, or CRIT, as an ad hoc unit. Its role was to plan, guide, and coordinate the implementation phase through activities ranging from setting up action teams, monitoring and overseeing their progress, and working with the established infrastructure to complete the implementation process. CRIT consisted of 30 employees from headquarters and the field who were detailed to work full time on the implementation effort under the leadership of the Acting Associate Assistant Secretary for Administration.



Collectively, the 33 teams represented the largest, most diverse civil rights team effort in USDA's history.

Beginning in April, some 300 other employees joined in the implementation phase to serve on 33 different action teams charged with implementing one or more of the recommendations. Collectively, the 33 teams represented the largest, most diverse civil rights team effort in USDA's history. Employees were selected from all professional levels and from field offices as well as from headquarters. The teams' composition also reflected the diversity—ethnic, gender, racial, disabilities—found across the Department.

In addition to team members selected because of their particular knowledge or leadership skills, each action team consisted of a Subcabinet-level executive sponsor to ensure that the team had adequate resources; a team leader, responsible for providing overall leadership; and a CRAT advisor to make sure that the recommendations were implemented as intended. In addition, each team had a CRIT liaison—one of the 30 full-time detailees—to provide staff support and coordinate the team's work with the overall network; and a facilitator to ensure that team meetings were productive.

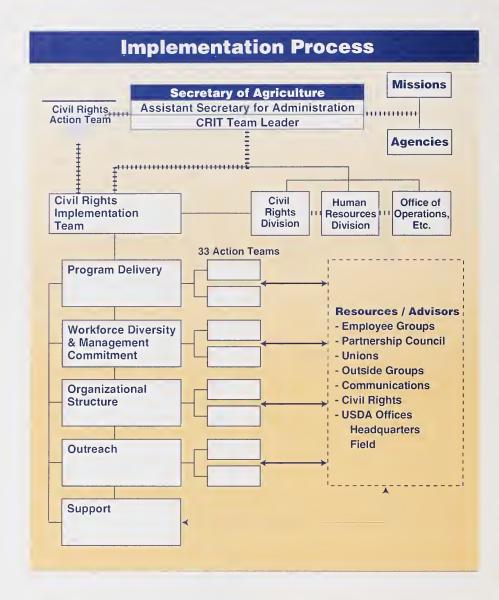
The Long Road to Reform

Using a quality management process, CRIT coordinated and gave oversight to the work of the 33 teams. Each team had one charge—"don't rethink the recommendations—just implement them." Clearly, the time for debate about what to do was over.

Each team used a systematic problem-solving approach designed to reach the best possible solutions. Before "jumping to solutions," teams defined the goal or goals, implicit or explicit, in their recommendations; identified any existing barriers (organizational, resources, or political) to achieving the goals; and identified possible solutions. Teams then moved ahead to develop specific project plans to implement the recommendations only after all team members had a chance to contribute their best thinking. A consensus was encouraged, but final decisions rested with the team leader. While implementing the plans, teams submitted weekly updates on their progress, revised project plans to reflect progress on implementing each specific recommendation, and acknowledged and addressed specific problems along the way.

After weeks and months of deliberations and work to implement the recommendations, the team leadership met with the ASA—and in some cases with the Secretary—to brief them on the team's actions to implement its assigned recommendations and present a closeout report documenting the team's activities. Following the closeout, CRIT assumed responsibility for institutionalizing the implementation actions within the normal organizational structure.

In some cases, implementation required developing new policies or creating new organizational units or revamping existing regulations or handbooks. In other cases, implementation came in the form of legislative or funding proposals. In all, the action teams created over 90 different policies, regulations,



handbooks, or other documents. They were instrumental in establishing several new organizational units; some new organizational units replaced existing ones. The teams developed new systems to monitor progress and set in place new procedures to ensure that progress occurs.

The teams started their work in April 1997, and the first team finished in late May. By August, 17 teams had completed 50 recommendations. By November, the number was up to 26 teams and 79 recommendations, and by February 1998, 31 teams had closed out 90 recommendations. The impact on USDA will be long lasting.

Involving and Communicating With Customers and Employees

Another critical aspect of USDA's strategy for implementing the CRAT report involved listening to and initiating dialogue with customers, employees, Members of Congress, and others who collectively make up USDA's many "stakeholders." Each had an intense interest in the success of the change effort. At the same time, these stakeholders provide USDA with important feedback to ensure that the work has real meaning and significance for the people USDA was created to serve. For this reason, the Secretary, the Deputy Secretary, the Acting Assistant Secretary for Administration, and other key employees spent countless hours communicating the message of change to all who were interested. CRIT, too, focused heavily on communications—speeches, public meetings with customers, videos, press releases, correspondence, presentations, meetings, weekly reports, and an interim report, *Implementation of the Civil Rights Action Team Report at USDA: An Interim Progress Report*, which was released in October 1997.

Keeping the President and Congress Apprised of Progress

As the Department's chief official, the Secretary assumed personal responsibility for telling those in the highest levels of government about USDA's civil rights reform. He kept President Bill Clinton regularly informed about what is clearly one of the Administration's top priorities—civil rights. The Department's weekly report to the White House regularly has included updates on civil rights progress; also, at key points, the Secretary has delivered more detailed memoranda to the President and his top staff about the Department's efforts.

On several occasions, the Secretary testified before the Congress, including the full House Agriculture Committee and the Congressional Black Caucus, to provide detailed information about the Department's progress in imple-





...the Secretary made a special effort to emphasize that civil rights is his number one priority to all USDA employees and customers.

menting the CRAT report. Members of Congress had expressed special concerns about the length of time it was taking to resolve the backlog of complaints. Yet, the Secretary's willingness to speak with them candidly about the Department's problems and efforts and his determination to succeed have been pivotal in garnering key Members' support for increased funding for the civil rights effort and other initiatives.

In addition to the President and the Congress, the Secretary made a special effort to emphasize that civil rights is his number one priority to all USDA employees and customers. Improving civil rights has been a major theme in many of the Secretary's speeches over the past year. His message has been consistent: USDA's civil rights problems did not begin on his watch—but they will end on his watch.

Communicating With Employees

Communicating effectively with over 100,000 employees in an organization that has offices in virtually every county of the nation is a difficult task. Even with new technologies emerging daily, the only way to ensure that every employee receives the Secretary's message is by using the bi-weekly pay statements. Consequently, in early April all employees throughout the country could read about the new civil rights policy on their pay statements. Subsequent pay statements have included messages 6 different times about civil rights reforms, such as the new reprisal policy, as they were implemented. Articles in USDA's employee newsletter also highlighted key civil rights efforts.

Internal and External Stakeholders Contribute to Success

Organizations representing USDA customers have been actively involved in the process. Groups who represented minority farmers with complaints of discrimination offered input to redesign the system for processing discrimination complaints. Their feedback has helped the Department design a user-friendly system, which will ensure that complaints are processed within 180 days. Other groups provided information for the design of the voluntary register for minority land owners.

In the area of procurement, minority and other small, disadvantaged businesses contributed information to develop several pilot initiatives to streamline regulations and simplify the execution of small business contracts.

Support also came from USDA employee organizations, including unions. In some cases, members of various organizations worked directly on teams implementing the recommendations—taking off their organizational hats and becoming team members. In other cases, teams met with employee representatives to get their input about the best course to take. In one critical policy area—dealing with allegations that managers retaliate against employees who file complaints—employee organizations and those unions which choose to



do so will be actively involved in the solution. They will join others on "reprisal panels" charged with recommending the appropriate action when reprisal allegations are made.

Feedback was solicited from the Civil Rights Leadership Council, which consists of agency civil rights directors and employee organizations, mission area training officers, the Human Resources Leadership Council, mission area recruitment officers and recruitment managers, special emphasis program managers, and many others. Each of these groups contributed ideas to help develop new policies and procedures to provide civil rights training for all employees—including employees delivering programs on the front lines—and to develop other initiatives that enhance USDA's efforts in creating a diverse workforce.

One full-time CRIT member represented union interests in addition to other liaison duties. USDA's Partnership Council, the association of unions and management officials established by President Clinton throughout the Federal government, and individual unions have been, and remain, intimately involved in almost every issue that affects unionized employees.

The consistent involvement of internal and external customers, the Congress, employees' organizations, and others has greatly enhanced the Department's overall efforts to respond to what is clearly one of its most challenging issues. In USDA's complex environment, it is problematic, at best, trying to keep everyone "in the loop." However, it is safe to say that the Secretary's message is getting through to nearly all employees: USDA can and will change.

The CRAT recommendations affect the entire USDA system including a large number of programs, mission areas, agencies, administrative offices, and organizational units across the country.²

The remainder of this report describes the specific actions to implement the CRAT recommendations that make changing USDA's approach to civil rights a reality. The next section discusses organizational restructuring and steps to ensure management commitment to and accountability for civil rights. The third section deals with changes aimed at reaching and delivering USDA programs to all potential customers. The fourth section describes what the Department is doing in the way of building and maintaining a diverse workforce with opportunities for all. The final section focuses on transitioning the institutional responsibility for civil rights from CRIT to USDA's traditional management system. The implementation status reports are shown by recommendation in Appendix A.

² See Appendix C for abbreviations.

Building Organizational Capacity and Accountability

ealizing Secretary Glickman's civil rights goals at USDA depends on the capacity of the normal organization to provide direction and ensure compliance throughout USDA's wide-ranging structure. It also means having management officials with the commitment and accountability for achieving the goals.

During 1997, USDA took many critical steps to build the required organizational capacity and to institute policies that ensure accountability at all levels of management. In May, the Secretary took a major step when he delegated full authority to the Assistant Secretary for Administration (ASA) over all civil rights issues (rec. 1). Secretary's Memorandum 1010-4, issued on May 16, 1997, formalized the authority. To provide for continued support of the civil rights efforts, the Secretary is asking for a fiscal year 1998 supplemental appropriation of \$5 million to support Departmental Administration (DA) as well as the civil rights unit in the OGC.

A New Office of Civil Rights Has the Capacity to Get the Job Done

To make consistent progress, the Assistant Secretary for Administration, the Department's chief civil rights enforcer, must have a permanent Departmental civil rights staff with the capacity to provide leadership and guidance, ensure accountability, adjudicate complaints of discrimination, enforce compliance, and perform many other essential tasks.

In the past, instability, lack of leadership, and lack of capacity in the Department's civil rights office have long plagued civil rights programs and enforcement at USDA. Leadership in the office was never certain because a revolving door of political appointees filled the position of Director of Civil Rights. Staff roles were unclear because of a succession of reorganizations, some needed; others ill-advised. Too often, staff members were expected to perform functions for which they were not trained and to work in an environment that was not conducive to success. Employees were often demoralized. Few systems or procedures were in place for systematic performance of routine, yet critical, duties such as processing complaints. At the same time, many of USDA's civil rights offices were not organized in a way for civil rights to receive the proper attention. They generally operated without the planning, funding, and visibility needed to carry on a strong civil rights program, where employees and customers alike would know that civil rights is a priority.

There were also other problems with the structure of civil rights at USDA. In October 1995, civil rights functions at the Department level were divided between two different offices under two different leaders. The Office of Operations (OO) oversaw employment and program discrimination complaints, while the former Policy Analysis and Coordination Center handled all other civil rights duties. This structure confused employees and customers about where to go for assistance. Furthermore, no single unit had the critical responsibility for investigating hundreds of complaints filed by customers. For years, the Department relied on agencies to perform "preliminary inquiries," and, in effect, investigate themselves.

The Secretary began to correct these problems by consolidating all civil rights functions— including investigating and adjudicating complaints of discrimination from customers and employees—under one office. Internal customers—employees, managers, and agencies—and external customers alike now have one point of contact on civil rights and equal employment opportunity matters.

New Leadership Paves the Way for Change

In March 1997, USDA consolidated all its civil rights functions under a new Office of Civil Rights (rec. 78). At the same time, the Secretary named a new director who reports directly to the ASA. From now on, the office will also be headed by a career senior executive (rec. 84). The selection of new deputy director positions, one for employment and one for program delivery, should help the director bring new stability and leadership to the office (rec. 79).

Retooled divisions in CR include Accountability, Agency Support and Special Emphasis, Policy and Planning, Employee Complaints and Adjudication, and Program Complaints and Adjudication. The Accountability Division, which had never existed before, is charged with tracking, monitoring, and assessing agency civil rights efforts (rec. 80).

In addition, CR hired economists and statisticians to develop settlement agreements that are fair to both customers and taxpayers. Newly hired computer specialists are developing electronic systems to track complaints though each stage of the process. CR's overall budget was increased over the previous fiscal year, signaling the Secretary's commitment, and that of Congress as well, to strengthen USDA's civil rights enforcement (rec. 83).

CR is now solely responsible for investigating program civil rights complaints (rec. 81, 82). A Secretary's memorandum notified agencies of the change. The investigative unit that was disbanded in 1983 has been rebuilt. The Department's Civil Rights office is now equipped to provide consistent guidance and oversight to the agencies.

Directs Program Complaint Process Oversees Employee Complaint Process Enforces Compliance With Civil Rights and EEO Laws and Regulations Links with Associate General Counsel for Civil Rights

USDA Strengthens
Civil Rights Enforcement
at the Agency Level _____

USDA has strengthened civil rights programs at the agency level. Agencies' civil rights directors now report to the Agency Administrators, unless the Secretary approves other reporting arrangements (rec. 86).

Manages Civil Rights and Diversity Training

Oversees and Monitors Accountability

Each agency must have one full-time Civil Rights Director who oversees a single civil rights office located in Washington, D.C. Prior to CRAT, some agencies had more than one Civil Rights Director, and some had field civil rights staff who did not report to the headquarters civil rights office. These changes allow USDA agencies to develop and implement a comprehensive civil rights program where Equal Employment Opportunity (EEO) and civil rights program delivery receive the proper attention and coordination.

Other actions include the elimination of the Department's Dispute Resolution Boards, the closure of the Civil Rights Regional Service Centers, and the return of EEO counseling responsibility and functions back to USDA agencies (rec. 88, 91).

Agency civil rights offices are now required to engage in program planning and analysis and to review their programs for civil rights compliance as it relates to civil rights (rec. 87). Furthermore, agencies with significant field program delivery activity, such as FSA and NRCS, must demonstrate that their services and programs are available in a nondiscriminatory manner. Their Civil Rights offices must monitor, evaluate, and report on program participation and determine the extent to which racial and ethnic minorities and non-minorities, and persons with disabilities participate in, benefit from, or receive the services or programs of the agency.

Consolidating Units Under ASA Promotes Better Management

Other offices are now under DA—the new Office of Outreach and the Office of Small and Disadvantaged Business Utilization (OSDBU). OSDBU performs Department-wide liaison and coordination functions for small and disadvantaged businesses. Having both offices under the ASA, along with CR, facilitates the coordination of small and disadvantaged business issues and socially disadvantaged farmer and rancher concerns with the civil rights and equal opportunity initiatives, as well as with the Department's other procurement functions administered by the Office of Procurement and Property Management (PPM). In addition, a newly created Office of Administrative Support (OAS) will house the new Conflict Prevention and Resolution Center, responsible for providing overall leadership and direction for USDA's conflict prevention and resolution activities. Human Resources Management (HRM) now administers the employees' grievance process (rec. 92).

Providing Accountability in the Office of the General Counsel

Along with needing to improve the Department's and agencies' civil rights offices throughout USDA, CRAT found that perhaps most critical to the success of changing civil rights at USDA was the need for proactive legal assistance from OGC, USDA's legal arm. OGC had no attorneys on staff dedicated full time to civil rights, and those who did work in civil rights were unable to concentrate on any particular aspect of civil rights law. Consequently, the CRAT strongly recommended that OGC be accountable for civil rights by establishing a Civil Rights Division staffed with attorneys who develop expertise in and work full time on civil rights.

An Associate General Counsel for Civil Rights was hired in December 1997. He will head a new civil rights division whose top priority will be to provide civil rights legal guidance to CR, USDA agencies, and Department officials. The Associate reports directly to the General Counsel and provides legal guidance that focuses on how to lawfully achieve civil rights and diversity objectives.

Staffing of the new division is pending full funding (rec. 85). (The fiscal year 1999 President's budget contains a request for \$0.9 million to support the office.) When fully staffed, the new division will consist of attorneys with expertise in all aspects of civil rights law, including Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment; Title VI, which prohibits discrimination in program delivery; the Equal Credit Opportunity Act; the Fair Housing Act; the Americans with Disabilities Act;



...most critical to the success of changing civil rights at USDA was the need for proactive legal assistance from OGC, USDA's legal arm.

and other statutes covering the programs USDA delivers directly or through third parties. The division will also work with CR on program discrimination complaints from the very beginning when a complaint is filed, instead of waiting for CR to issue its findings.

The division will be proactively involved in various aspects of EEO complaints processing and affirmative employment. Another primary responsibility of OGC's Civil Rights Division will be to keep other attorneys informed of civil rights court cases and statutes having civil rights implications for USDA programs. OGC's Civil Rights Division will also serve as the primary contact on civil rights issues for OSDBU, the Office of Tribal Affairs (OTA), the Office of Outreach, as well as the 1890 and 1994 land-grant institutions, the Hispanic Association of Colleges and Universities (HACU), and other minority-serving educational programs.

By establishing the Civil Rights Division and selecting the Associate General Counsel for Civil Rights, the Secretary has addressed one of USDA's most critical civil rights needs.

Holding Managers Accountable for Civil Rights

The absence of accountability has long been a major impediment to improving civil rights at the Department. According to the General Accounting Office (GAO), accountability "suggests that goals will be established, performance will be measured and reported, and that this information in turn will be used to monitor progress toward achieving the agencies' EEO objectives." In the past, USDA's system fell short in each of the requirements for accountability noted by GAO. Agencies operated without clearly defined goals or objectives; the Department had no system in place to track or monitor their progress; and information collected to measure actual performance was largely inadequate.

In the past, the ASA, the Department's chief civil rights enforcement official, had the overall responsibility for ensuring that agencies comply with all civil rights laws, rules, and regulations. However, he or she had no authority to rate the civil rights accomplishments of the agency heads and staff directors who managed USDA's employees and programs. In effect, USDA lacked an effective system for holding managers accountable for civil rights.

This is no longer the case. Along with the organizational and structural changes discussed above, the Secretary has greatly enhanced USDA's ability to hold managers accountable for civil rights.

New Civil Rights Performance Standards Are in Place

The Secretary strengthened accountability when he delegated full authority to the ASA to rate agency heads and staff office directors on their civil rights performance (rec. 2). The civil rights performance of every agency head and staff director is one of several factors that determine whether or not they qualify for bonuses and pay raises, and even whether or not they remain members of the Senior Executive Service (SES)—the Government's top echelon of managers. An unacceptable rating in this area can result in removal from Federal service. By granting the Department's chief civil rights official the authority to rate agency heads and staff directors on their civil rights performance, the Secretary established the process to hold these officials account-

Civil Rights Performance Standard Assessment

Performance	Assessment			Narrative
Standard Accountability	G	Y	B	
Strategic Planning				
Performance				
Standards	-			
Reprisal Policy				
Program Delivery				
Civil Rights				
Compliance				
Civil Rights Program				10.00
Delivery				and the second
Program Complaint /				
NAD Procedures				and the second
Improve Programs				
and Services				
Cooperative			,	
Agreements				
Environmental				
Justice				
Debt for Nature				
Program Policy				
(FSA & NRCS)				
EQIP				
Legislation				
(FSA & NRCS)				
		_		
Program				

 ⁼ Caution; problem area, needs correction.

R = Requires immediate management attention.



For the first time, the Department has a process to monitor, track, and assess agency civil rights performance.

able for achieving his goals. In fall 1997, detailed performance standards and elements were set in place for all agency officials. Some standards are common to all officials, and others are tailored to different agencies' missions and objectives.

New civil rights performance elements for Agency Heads and staff directors require them to implement specific plans to improve civil rights.

Government Performance and Results Act (GPRA) Plans, Agency Strategic Plans, Affirmative Employment and Recruitment Plans (AERP), and Civil Rights Implementation Plans must reflect the Secretary's civil rights and diversity goals along with plans for tracking and measuring progress (recs. 8, 9, 10). Performance elements hold each agency and staff office responsible for implementing CRAT recommendations that are applicable to their missions and for incorporating them into the agency's annual operating plan. They include the major areas for improvement identified in the report: ensuring accountability for all managers; improving outreach and providing equal access to USDA's programs; creating a diverse workforce; and ensuring adequate resources are available in civil rights programs. The plans also address outreach to small and disadvantaged businesses.

For the first time, the Department also has a process to monitor, track, and assess agency civil rights performance. CR's Accountability Division will track and assess progress toward implementing the civil rights plans (rec. 9). Progress will be monitored via quarterly reports. The ASA will conduct a quarterly review of performance progress. By the end of fiscal year 1998, the quarterly reports will provide the ASA with sufficient information to fairly rate all agency heads and staff office directors on their annual civil rights performance.

Diversity Starts With Top Management

To further demonstrate managerial accountability, "The Secretary's Workforce Diversity Plan for Political Appointees" (currently in clearance) will require Subcabinet officials, including political appointees and agency heads, to demonstrate a commitment to diversity by ensuring diversity among their immediate staffs (rec.7). The plan:

- Calls for diversity among all political appointees;
- Holds political appointees at the Subcabinet and agency head levels accountable for meeting the civil rights goals and objectives of USDA's Affirmative Employment and Recruitment Program (AERP);
- Establishes a performance appraisal system that ensures maximum accountability; and
- Implements a training and development program for current and future political appointees, so they will have the skills and knowledge needed to effectively manage a diverse workforce.

Expectations are the same for other career employees who administer and oversee agencies and administrative units.

Managers need adequate skills to manage a more diverse workforce. Thus, managers and supervisors must not only receive management training, but in the future they must be certified on 27 leadership competencies specified by the Office of Personnel Management (OPM) (rec. 11, 12). These core competencies identify the competencies and skills required to effectively manage people and serve customers—including recruiting and managing a diverse workforce and serving diverse customers. All employees promoted or selected for managerial positions will be required to demonstrate these competencies. Their success will be monitored by employee and peer review surveys that assess managerial competence and provide feedback. Performance improvement plans for managers will be developed where needed. Over time, this should equip managers with the skills needed to manage a diverse workforce, plan for the effective use of human resources, and integrate civil rights planning into their agencies' overall budgets and program planning processes.

Enforcing the Secretary's Policy on Reprisals

Although agency heads and staff directors will only be rated on their civil rights performance yearly, the Department will now take immediate action in cases of reprisal. Generally, reprisal occurs when managers act against employees in retaliation for having filed a discrimination complaint. Reprisals are a violation of Title VII of the Civil Rights Act of 1964. Yet, approximately half of the complaints of discrimination at USDA filed by employees also include allegations of reprisal. On July 31, 1997, the Secretary issued a new policy for reprisals; the Department now has a mechanism in place to enforce it (rec. 5).

In the past, reprisal allegations were processed the same as any other discrimination complaint. Employees who believed they were being subjected to reprisals were forced to endure the mistreatment until their overall complaint was adjudicated, often months, and sometimes even years, later. Now, allegations of reprisal will be heard and decided within 45 days by "reprisal panels" in each mission area. Each panel includes an "impartial member" who will serve as the panel chair, a member named by a union (assuming that unions concur) or other employee organization, and a member named by the agency involved. Impartial members are appointed across agency lines on a case-by-case basis. The panel is authorized to evaluate the allegation and issue recommendations for corrective actions where warranted. Their recommendations will be binding on the agency unless the Secretary decides to revise them. Panel members who are unable to act in an impartial manner in a case must excuse themselves from the case. Then all decisions will be determined by a majority of panel members.

New USDA Reprisal Policy

Each Mission Area will establish a three-person panel to make inquiries into EEO reprisal claims

Within 45 days, this panel will make recommendations to adjust the employee's workplace or environment, to reduce tension, or to recommend the Mission Area consider disciplinary action.

Each Mission Area will establish a panel to hear allegations at the headquarters and, as appropriate, at the field level.

Reprisal complaints must be reported statistically.

V

Effectiveness of the reprisal panels will be evaluated on or before December 31, 1998.

To date, more than 30 employees have received training to participate on reprisal panels. HRM has developed a handbook to guide panel members. Several cases have already been assigned to panels for inquiry. HRM will evaluate the panels midyear, 1998, and again at the end of the year. Agency heads must implement reprisal panels in their agencies to receive satisfactory civil rights ratings during their performance evaluations.



Ultimately, the Secretary wants to change employees' actions and attitudes as they interact with customers as well as other employees.

Ultimately, the Secretary wants to change employees' actions and attitudes as they interact with customers as well as other employees. Accordingly, procedures have been streamlined so that agencies can take quick and decisive action against employees who discriminate. CR is working with HRM to oversee agency activities and complaints to ensure that agencies take either disciplinary or adverse action against any employee who fails to provide programs and services according to all applicable civil rights laws and regulations. If USDA agencies do not act appropriately, then CR will identify locations or individuals where persistent problems exist and take corrective action (rec. 6).

Strengthening the system of accountability and management commitment is clearly one of the most important steps the Secretary has taken to improve civil rights at USDA. Establishing firm accountability means starting at the top with agency heads and staff directors and cascading down throughout USDA's massive field structure. Agency heads and staff directors will no longer automatically receive passing grades in civil rights: their ratings will be based on their actual performance and progress toward achieving the Secretary's goals.

In addition, reprisal allegations will be addressed quickly—and objectively—and corrective actions will strengthen enforcement of the Secretary's policy on reprisals.

Reaching and Serving All Customers

he CRAT Report turned the spotlight on issues of USDA's program delivery and outreach to its customers. More than half of the recommendations dealt with ways to address myriad concerns ranging from a substantial backlog of customer complaints, to discriminatory treatment by local officials, to the lack of priority placed on serving some customer groups. As a result, a main thrust of the implementation effort has been aimed at resolving old problems and opening new doors to reach and serve all customers and communities.

This section first discusses the progress made on handling the backlog of complaints and foreclosure cases. It also describes the new coordinated efforts to reach out to all customers to build cultural understanding and remove barriers to full participation of traditionally under-served customers in USDA county offices and service centers. It also discusses how the Department is bringing about change through the use of the Departmental administrative and regulatory system and the budgetary and legislative processes.

The President's fiscal year 1999 Budget contains provisions for \$249.8 million for funding civil rights initiatives at USDA, of which \$232 million is directed to improving program delivery and outreach. In addition, Congress introduced several legislative proposals last year addressing some of the CRAT recommendations. Representative Eva Clayton (D-NC) introduced H. R. 2185, "The USDA Accountability and Equity Act of 1997," on July 16, 1997, addressing a number of the recommendations. Subsequently, the Secretary provided comments on the proposed legislative changes. Two hearings have been conducted by the House of Representatives Agriculture Committee concerning civil rights issues and H.R. 2185. Proposed legislation to benefit minority-serving land-grant institutions was submitted as part of the reauthorization process for Research Title 8 of the Federal Agriculture Improvement and Reform (FAIR) Act of 1996.³ The Secretary's legislative priorities include a section on civil rights initiatives.



^a Differences between the Senate Bill, S. 1150, "The Agricultural Research, Extension, and Education Reform Act of 1997," and the House Bill, H. R. 2534, prepared by the subcommittee staff of the House Agricultural Subcommittee on Forestry, Conservation, and Research, will require conference resolution.

USDA First Tackles the Challenge of Stopping Discriminatory Treatment

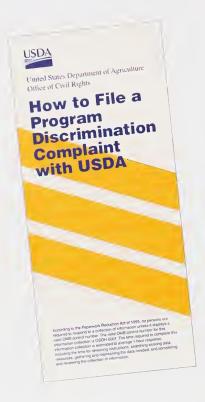
Two of the earliest challenges were protecting minority farmers from extinction by dealing with foreclosures and resolving a large backlog of customer complaints, including many with allegations of discrimination.

USDA Stops Foreclosures While Reviewing Claims of Discrimination

The CRAT report documented the unacceptably high rate of loss of minority-owned land through foreclosures. Part of protecting minority-owned land was ensuring that no additional foreclosure actions were pursued against farmers who *might* have been subjected to discrimination. To address this problem, in April 1997, USDA formally halted all actions on pending farm loan foreclosures until a review of each case could be made. An independent team was established to review all cases in the foreclosure process to determine whether or not there was even a question of discrimination (rec. 20). The team reviewed 3,148 of the 4,500 pending foreclosures, and halted action on 116 cases, pending investigations of possible civil rights violations. USDA has now directed each State to appoint a diverse Civil Rights Independent Review Group, representative of the State's population, to review the remaining cases and future cases to determine if discrimination or inequitable treatment contributed to the failure of each farming operation facing foreclosure.

In subsequent months, the Department issued a series of directives to field employees to guarantee that no foreclosure action would be taken if discrimination was in any way a factor leading to that action. The new policies require USDA field personnel to continue loan servicing of all accounts, and to process new loan applications from borrowers with discrimination complaints (rec. 21).





A Top Priority Is Resolving the Backlog of Customer Complaints

For many years, USDA effectively ignored customer complaints of discrimination lodged against USDA employees and offices. USDA officials empowered the agencies accused of discriminating with investigating themselves, a situation described during the listening sessions as the "fox guarding the henhouse." Not surprisingly, findings that USDA discriminated against its customers were virtually nonexistent.

Minority farmers with discrimination complaints also complained that they were subjected to adverse actions, including foreclosures, while their claims of discrimination went unaddressed.

To make matters worse, while USDA regulations allow customers to file discrimination complaints with USDA, no effective process existed for handling those complaints, and customers have often been left with little or no information about the status of their complaints for years. Deadlines for taking action on complaints either did not exist or were not enforced.

Customers have also complained about what they perceive as a lack of fairness in the National Appeals Division (NAD) and a refusal by agencies to take timely action to implement appeal decisions that are favorable to the customer. There has also been a great deal of confusion about the relationship between the system for hearing appeals of program decisions and the system for deciding complaints of discrimination by USDA in the delivery of its programs.

USDA hoped to resolve the backlog within the short timespan of a few months in early 1997. During the initial attempt at resolving the backlog, CR discovered that the files were in disarray. Almost no complaints had been investigated due to the disbanding of the civil rights investigative unit in 1983. Without investigations, resolution of complaints would largely have involved guesswork.

Program Complaint Statistics

As of February 23, 1998

	Backlog ⁽¹⁾	New ⁽²⁾	Total
Program Complaints	1,088	30	1,118
Active	864	25	889
Closed	224	5	229

- (1) The backlog of complaints includes all complaints that were active between January 1 and November 1, 1997.
- (2) New complaints include those received and accepted as complaints on or after November 1, 1997.



USDA has not only made major efforts to remedy past civil rights violations, but it has also put in place a new process of handling complaints that will ensure effective and timely handling of civil rights complaints in the future.

As a result, reducing the backlog of customer complaints and building a workable system to address customer complaints of illegal, discriminatory conduct while holding USDA employees accountable for their actions have been among the highest priorities in 1997 (rec. 22). USDA has not only made major efforts to remedy past civil rights violations, but it has also put in place a new process of handling complaints that will ensure effective and timely handling of civil rights complaints in the future. In the latter half of 1997, the Department hired 14 permanent investigators, 13 temporary investigators, and contracted with 10 investigative firms. These investigators have been investigating the facts involving 1,088 discrimination complaints, and USDA expects to complete all investigations by 1998. This will allow the Department to meet its goal of July 1, 1998, for resolving all complaints that were filed before November 1, 1997. Since January 1997, USDA has settled or closed 224 of the 1,088 program discrimination complaints in the backlog, including some cases that dated back to the mid-1980's. This includes 11 major settlements that total more than \$3.5 million. Thirty new complaints were filed between November 1, 1997, and February 20, 1998, five of which have been closed.

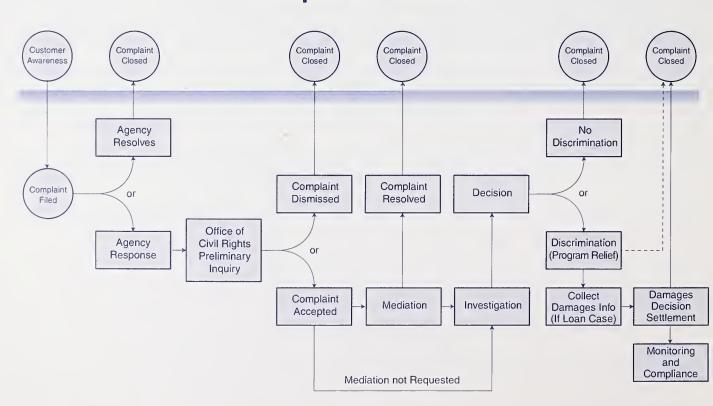
Because of the delay in resolving the backlog, in August 1997, a number of black farmers filed a lawsuit against the United States, alleging discriminatory practices against all black farmers between January 1, 1983, and February 21, 1997, and seeking hundreds of millions of dollars in compensatory damages. In October 1997, the Department of Justice (DOJ) successfully concluded mediation of four individual complaints, which were part of the proposed class action suit. Damages paid for those four complaints totaled \$1.2 million.

A Federal judge urged the United States to agree to the farmers' request to use alternative dispute resolution to resolve the complaints, rather than engage in lengthy and expensive litigation (rec. 30). On December 19, 1997, all parties agreed to a 6-month mediation process to try and settle the complaints. The court ordered parties to start the mediation process on January 5, 1998. While USDA cannot use an administrative process for farmers who are members of a class action complaint or have filed a civil court law suit unless their attorneys concur, farmers who feel they have been discriminated against and have not filed a law suit can elect to use either the administrative or court process.

Establishing a New System for Handling Discrimination Complaints

To ensure that the past problems of dealing with customer discrimination complaints are eliminated, the Department has developed a new system for dealing with those complaints. Effective November 1, 1997, USDA began handling customer discrimination complaints under a new system that requires **early** resolution of complaints when possible and resolution of all complaints, either by settlement or decision, within 180 days (rec. 24). CR, rather than the agencies involved in the complaints, will have full control over the process, including investigations. Training of key civil rights staff around USDA has been conducted, brochures and posters describing the process were distributed to USDA offices in February 1998, and a video, entitled *Simple Justice*, has been produced to explain the proper handling by USDA employees of discrimination complaints. All USDA employees will be required to view the video by May 15, 1998. Finally, employees found to have been involved in discrimination will be disciplined for their misconduct.

New Program Discrimination Complaint Process



Making the Program Appeals System More Responsive to Customers

The policy at USDA is for agencies to implement decisions by NAD that are in the customer's favor within 10 working days (recs. 26, 27). NAD and USDA agencies have to meet deadlines in the appeals system just as customers have been required to do. Where a customer has complained of discrimination to CR, agencies will not enforce appeals decisions against the customer while the civil rights complaint is being processed, and if discrimination is found, the civil rights decision will take effect, not the appeal decision (rec. 23, 25).

Through these actions to improve the systems for resolving customer complaints, old complaints of discrimination will be brought to closure by July 1998. Customers will begin receiving prompt and fair resolutions of any new complaints of discrimination. CR will monitor the new complaint system and make improvements based on experience. USDA employees will be held accountable when they discriminate.

Spreading the News About USDA Programs to All Customers

Access to information is a critical element for customers if they are to know about and take advantage of USDA's programs. Effective program delivery to customers also means communicating with local businesses and organizations about customers' program needs. For example, the Department needs to learn what local customers need while letting its partners know what needs are going unmet.

Until recently, the main responsibility for generating and disseminating program information fell to individual USDA agencies that administered the various programs. People who spoke during the CRAT listening sessions revealed the extent to which USDA was not reaching many customer groups. Not only did USDA lack a way to link and coordinate the agencies' outreach efforts, but information frequently did not reach the customers who most needed it — small-scale, limited-resource, and minority farmers and ranchers and other traditionally under-served customers. Even when information reached customers, it might not be in a form they could understand and use.

New actions taken by the Department form the basis for a coordinated program of outreach extending across all agencies and programs. The intent is to guarantee *all customers* full and equal access to all services and employment available in USDA and to tailor outreach to local needs through partnerships and involvement with local groups.



The mission of the Office of Outreach is to ensure that all potential customers have full access to all USDA programs and services.

A New Office of Outreach Provides a Central Focal Point

The Secretary issued a memorandum in August 1997 establishing a new Office of Outreach under the Assistant Secretary for Administration (rec. 37). The creation of this office represents the first step in replacing the Department's previously fragmented system of outreach with a coordinated outreach program for the entire Department. Placement of the office within DA gives it the stature and visibility needed to send a strong signal of USDA's commitment to reach all customers. Eventually, this office will be transferred to a program agency.

A director for the office has been hired along with an initial staff of eight. The USDA Office of Outreach eventually will have a staff of more than 20. Once fully staffed, the office will function proactively to develop, lead, and oversee a coordinated program of outreach for the Department. The Office of Outreach has already assumed responsibility for administering the Outreach and Technical Assistance to Socially Disadvantaged Farmers (2501) program, previously administered by NRCS. The program distributes information about USDA programs and works through land-grant institutions and community-based organizations to provide training and technical assistance about farm management and alternative agricultural options to economically, socially disadvantaged, and beginning farmers.

The mission of the Office of Outreach is to ensure that all potential customers have full access to all USDA programs and services. The goals and objectives for USDA's outreach appear in a new strategic outreach plan that has been incorporated into the USDA's 5-year strategic plan (rec. 38). To ensure across-the-board adherence to USDA outreach objectives, the Office of Outreach is overseeing and monitoring agencies' adoption and incorporation of Departmental outreach objectives into their own strategic plans.

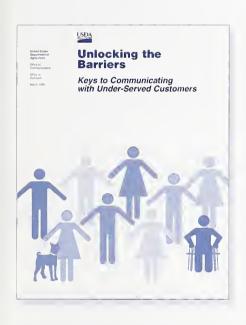
Coordinators and State Councils Link Outreach Across Agencies and Local Communities

Other vital links in the USDA outreach chain are Agency Outreach Coordinators and National Outreach Councils (NOC) and State Outreach Councils (SOC) to be established by the National Food and Agriculture Council (NFAC) and the State Food and Agriculture Councils (SFACs) in Spring 1998 (recs. 39, 40). Each agency head will designate an outreach coordinator to assume leadership and oversight for all outreach activities and accomplishments within their respective agencies and serve as liaisons with the Office of Outreach, NFAC, and SFACs. The SFACs must strive to achieve a diverse representation of members on the Outreach Councils that reflect the diversity characteristic of the State's population. The SFACs will work with the SOCs and the Office of Outreach to develop a State outreach plan to meet local outreach needs and to coordinate outreach with local program delivery efforts.

Outreach to Native Americans Involves Interagency Cooperation

One of USDA's most under-served customer groups is Native Americans living on Tribal lands. Providing better outreach to these customers requires working cooperatively with the U.S. Department of the Interior (DOI), because of its unique relationship with tribal governments (rec. 41). Through the Office of Outreach, USDA is currently negotiating with the Interior Department to establish a special taskforce to identify Native American outreach needs and formulate a strategic outreach plan for tribal lands.

The NFAC has directed the SFACs to establish and evaluate full-time USDA Service Centers on Tribal lands. An ongoing consultation process will be used with the American Indian Tribes to help determine Service Center locations.



USDA Becomes More User Friendly

USDA has new guidelines to simplify and streamline application forms and program regulations (rec. 56). This will make it easier for all customers to understand and take advantage of USDA programs. A new regulation requires agency heads to develop and implement communication plans that serve the needs of diverse and special-needs clients (rec. 59).

Servicing the needs of all customers, including those who have not been well-served in the past, requires equipping employees with the necessary skills to do the job. A communications guidebook, entitled *Unlocking the Barriers: Keys to Communicating with Under-Served Customers*, is now available to provide information and guidance to employees in field offices about serving all customers, including diverse and special-needs groups, such as people with disabilities and customers who do not speak English (rec. 59).

Effective Outreach Will Ultimately Change USDA's Civil Rights Image

Essential pieces of the action plan for USDA's new outreach program are well underway. Once it is fully operational, an effective system will be in place to spread the news about USDA programs to customers. In addition, the new USDA outreach program holds the potential for realizing other benefits. For example, the formation of partnerships with local community organizations and businesses strengthens the possibilities of meeting local outreach needs. According to a recent Urban Institute report, "experience has shown that when nongovernmental institutions become partners with public agencies,

they can sometimes accomplish things that have proved difficult for government to do alone." Finally, having an effective outreach program is a critical element in helping change USDA's civil rights image.

Expanding the Capacity of Land-Grant Institutions to Meet Customers' Needs

One of the recommendations in the CRAT report calls for USDA land-grant institutions of higher education to identify and make the research and education needs of traditionally under-served customers a priority. Within the current land-grant system, the institutions most uniquely suited to understand and serve the needs of under-served populations are the 17 historically black 1890 institutions (including Tuskegee University) located in the South, and 29 Tribal colleges that gained land-grant status in 1994. In addition, there are over 100 Hispanic-serving institutions that have at least 25 percent of their enrollments who are Hispanic; some of these universities are also land-grant institutions.

USDA has recently initiated actions to enhance the capacity of these institutions to partner more effectively with the Department and with other State university partners (the 1862 as well as other minority-serving institutions) in helping USDA meet its mission through service to socially disadvantaged groups (rec. 42). Other actions in the form of legislative and budgetary changes pertain to ways to provide more equitable support to the minority-serving institutions (rec. 43).

An Annual Conference Provides a Dialogue on Research and Education Needs

To strengthen the capacity of land-grant institutions to make the research and education needs of under-served clientele a priority, the Secretary is asking the research and technical assistance agencies and land-grant institutions to designate a special liaison who will assume responsibility for identifying the research and education needs of different client groups and designing strategies to address them. These liaisons will not only focus on serving needs within their localities, but they will also function with all the other liaisons to link and coordinate efforts for maximum results. The liaisons will also work with the newly created NOC and SOCs, USDA's Office of Outreach, Historically Black Colleges and Universities (HBCU), and nonprofit and community-based organizations in joint endeavors.

The Secretary is also asking the Under Secretary for Research, Education, and Economics (REE) to work through the Cooperative State Research, Education and Extension Service (CSREES) to join forces with the Office of Outreach, Historically Black Colleges and Universities (HBCU), the Hispanic

⁴Kingsley, G. Thomas and James O. Gibson, *Civil Society, The Public Sector, and Poor Communities*. The Urban Institute, Washington, DC. August 1997, No. 12.



Equitable support does not mean quota funding to each institution. Rather it means giving each land-grant institution a fair and similar opportunity to participate in the broad array of USDA programs.

Association of Colleges and Universities (HACU), and the American Indian Higher Education Council (AIHEC) to sponsor an annual conference on the research, education, and technical assistance needs of the under-served customers.

The conference will provide a forum to engage in a two-way dialogue that will help more clearly define the Department's mission. It will also focus on identifying major issues, mutual interests, and trends in agricultural research, education, extension, and technical assistance that affect limited-resource farmers and other socially disadvantaged groups. The conference will also serve as a way to train Department employees and the staffs at minority-serving institutions to better access available resources and to identify gaps that can be addressed by future actions. One of the possible products of the first conference will be a catalog based on the USDA sections of the Directory of Federal Assistance that might be used to strengthen the capacity of minority-serving institutions.

Legislative Changes Target More Equitable Support

An important component of increasing the capacity of minority-serving land-grant institutions is making sure that these institutions have a comparative advantage in gaining access to USDA funds for research, education, outreach, and technical assistance. Equitable support does not mean quota funding to each institution. Rather it means giving each land-grant institution a fair and similar opportunity to participate in the broad array of USDA programs.

The conditions under which these institutions receive Federal support for agricultural research and education differ substantially from the conditions prescribed for other land-grant institutions. In addition, minority-serving institutions are ineligible to participate in several important extension programs of the Department.

Virtually all of the support under the CSREES programs going to the 1890 institutions comes from two formula programs and the facilities and capacity-building grants programs. These programs are directed to the 1890 institutions by statute. In fiscal year 1997, USDA provided slightly more than \$89 million to 1890 institutions, \$74 million through specific appropriated programs (such as Evans-Allen, Extension, and Capacity Building Grants) and \$15 million in agency agreements and projects, such as Centers of Excellence. State and other sources of support remain at very low levels, because, unlike the 1862 institutions, there are no statutory matching requirements for the Federal research and extension funding that goes to the 1890 institutions.

Since the early 1970's, USDA has met its statutory research and extension mandates at the 1890 land-grant institutions at levels of at least 15 percent of the amounts provided for 1862 institutions for research under the Hatch Act and at least 6 percent of the amounts provided for extension under the Smith-Lever Act. At the same time, the 1890 institutions have been ineligible for



certain discretionary funding known as the Smith-Lever 3(d) programs, and they receive few competitive or congressionally earmarked awards.

The 1994 land-grant institutions are supported through the proceeds of a \$9.2 million endowment and through several extension programs. Beginning in 1996, USDA has made payments for teaching programs of \$50,000 to each of the 29 tribally controlled colleges identified in *The Equity in Educational Land-Grant Status Act of 1994*. In addition, these colleges receive proceeds from an endowment fund established on their behalf in the U. S. Treasury and they compete for funding available for extension services at the 1994 institutions. Support for extension programs on Indian reservations is also provided at 17 sites under an authorization in the Food, Agriculture, Conservation, and Trade Act of 1990. As of 1997, the Tribal land-grant colleges were ineligible to receive funding for research.

Beginning in 1997, USDA offered a USDA Hispanic-serving Institutions Partnerships and Grants Program under authority provided in the Federal Agriculture Improvement and Reform Act of 1996. This is a program of competitive awards to strengthen teaching in food and agricultural sciences at Hispanic-serving institutions, including 2-year colleges, that have at least 25 percent Hispanic enrollment.

Two areas identified as most affecting equitable support to the 1890 institutions are: (1) low levels of State and other support and (2) ineligibility for certain USDA programs such as the 3(d) programs. To address the issue of equitable support, USDA is supporting budgetary increases through the fiscal year 1999 budget requests and legislative proposals submitted as amendments to Research Title 8 of the Federal Agriculture Improvement and Reform Act of 1996 (see legislative table, page 44). Three proposed legislative actions are to:

 Amend the National Agricultural Research and Extension and Teaching Policy Act of 1977 to phase in matching requirements for 1890 formula programs (Evans-Allen and 1890 Extension) with the amount of the match phased in over a 4-year period. The proposal includes a safeguard in the legislation that assures the 1890 institutions could not be penalized for failure to meet the match. If 1890 institutions fail to meet the non-Federal matching requirement for receipt of formula funds, allocations would revert to the Secretary of Agriculture for support of agricultural research, extension, and teaching programs at 1890 institutions.

- Amend Smith-Lever 3(d) authority to expand eligibility to participate in the 3(d) programs to the 1890 and 1994 minority-serving institutions where funds are awarded noncompetitively, and, to expand eligibility for competitive awards of funds to other accredited, nonprofit colleges and universities as well as the 1890 and 1994 land-grant colleges and universities.
- Amend Section 1473 to use funds to support agricultural-related education
 and workforce development by authorizing the Secretary of Agriculture to
 use up to \$250,000 of any funds available to pay for the general support of
 agency activities for the purpose of entering into cooperative agreements
 with land grant institutions and other colleges and universities with significant minority enrollments and the demonstrable capacity to carry out the
 teaching of food and agricultural sciences and other teaching programs that
 serve the mutual long-term interests of the Agency and the cooperating
 institutions.

USDA will also support legislation to open up eligibility for research funds for the 1994 Tribal colleges.

Budgetary requests in the fiscal year 1999 budget include a \$1.5 million increase in funding for the 1994 Tribal College Extension Program and a \$4.5 million increase for the renovation of existing buildings and construction of new facilities to enable the 1890 institutions to fully benefit from the partnership between the Department and HBCU's. The budget also includes continued funding requests for 1999 for the 1890 Capacity-Building Grants Programs, the Hispanic-Serving Institutions Education Grants, and the Native American Institutions at the present levels.⁵

New Approaches Benefit Small Farms and Under-Served Customers

The CRAT report focused renewed attention on the decline of U. S. small farms, especially among minority and limited-resource farms. Today, minority-owned farms represent less than 1 percent of all farms, down from about 14 percent 75 years ago. Many minority and limited-resource farms attribute the disproportionate decline of minority farms—along with loss of farm land and income—to USDA's program delivery system and discriminatory treatment from county offices and service centers. Many others who had not lost their land told of systemic and overt discrimination existing in USDA's pro-

^{5 1999} Budget Summary, USDA.

⁶ Dismukes and others. Characteristics and Risk Management Needs of Limited-resource and Socially Disadvantaged Farmers. Economic Research Service, USDA, April 1997.

gram delivery system, particularly at the local level, and of the inadequacies of the system to meet the specialized needs of farmers, including immigrants from other countries, like the Hmong farmers concentrated in California.

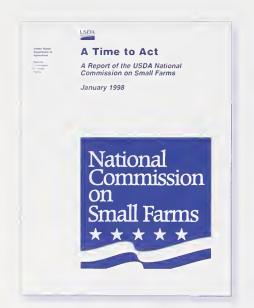
At the same time, all small and family farms have found it increasingly difficult to remain economically viable in the face of growing concentration of agricultural production into fewer and larger farms. The nation's small farms—all farms that gross less than \$250,000 in annual gross sales—represent nearly 95 percent of all farms but only 41 percent of all agricultural receipts. Very small farms that gross less than \$50,000 annually from farm sales derive virtually all of their household income from off-farm jobs or other sources, because they typically lose money from farming. In contrast, the top 2 percent of farms—the nation's largest farms—produce 40 percent of agricultural receipts and receive a disproportionate share of government assistance.

Over the past several decades, the belief prevailed that the rapid changes in the structure of agriculture dominated by fewer and larger farmers were inevitable. While the countryside may never again resemble the bucolic pictures of yesteryear, USDA is now charting a new course of action to help restore economic vitality to small farms and address the special concerns of minority and limited-resources farmers and other under-served customers.

A National Commission on Small Farms Provides the Catalyst for Change

The Secretary appointed a 30-member National Commission on Small Farms in July 1997 (rec. 36). Commission members—farmers, ranchers, academics, and representatives of nonprofit, farm advocacy, and business and farm organizations—represented a diverse mix of ethnicity, geography, experience, and perspectives on small farm concerns. The Commission's charge was to study the problems affecting small and beginning farmers and develop a national policy strategy to address them.

To gain a broad-based understanding of the issues and options for addressing them, the Commission held four national public hearings in different locations around the country—Memphis, Tennessee; Sioux Falls, South Dakota; Washington, D.C.; and Sacramento, California. Smaller regional



⁷ A Time to Act: A Report of the USDA National Commission on Small Farms. USDA, January 1998.

^a "Farm Operator Household Income and Wealth Compare Favorably with All U. S. Households," *Rural Conditions and Trends*, Vol. 8, No. 2, 1997.



public hearings took place in Albany, New York; Albuquerque, New Mexico; and Portland, Oregon. Over 200 people testified during the hearings, and many others submitted written testimony.

The Commission developed a set of recommendations, based on the public hearings, reviews of existing data and reports, and members' own knowledge, that would make strategic policy changes to improve the viability and vitality of small farms. The goals of the recommendations are to change policies, programs, and administrative practices that disadvantage small farms and introduce those that enhance the value and importance of small farms. On January 22, 1998, the Commission delivered its report—*A Time to Act: A Report of the USDA National Commission on Small Farms*—to the Secretary who appointed the Deputy Secretary, Richard Rominger, to head up an interagency action team to develop an integrated Departmental response to the report. The formation of several implementation teams chaired by Subcabinet officials has already begun.

A New Minority Farms Register Helps Track Minority Landowners

The Department is establishing a voluntary register of minority farm owners and operators as another measure to track and halt loss of minority-owned farmland (rec. 28). The register will be:

- linked to USDA data bases of farmowners and operators;
- strictly voluntary;
- easy to sign up;
- managed by the Office of Outreach to ensure appropriate accessibility.
 It will include minority farm operators, whether or not they own land, and

MINORITY FARMS REGISTER

Form. No.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information is xxxx-xxxx. Time required to complete this information collection is estimated to average 5 minutes per response.

I certify that I am voluntarily signing up to be listed on the USDA Minority Farms Register. I fully understand and agree that my name and other information related to my farming interests in the counties listed below may be released to organizations other than USDA.

State	County	 	
State	County		
State	County		
State	County		
State			
American Asian or F Black, no Hispanic	for the race/ethnic code v Indian or Alaskan Native Pacific Islander t of Hispanic Origin		
Mr./Mrs./Ms.			
Name (Plea	se print or type)		
Address			
City/State		 	
	Number		
Telephone	Number		
Cinnature			
Signature		 	
Date			

minority farmland owners, whether or not they operate the land. The register will be open to all minority, racial, and ethnic groups.

To sign up for the register, farm owners and operators may use the register form in a brochure available from the USDA Service Centers or from local community-based organizations.

In addition, new procedures initiated by the National Agricultural Statistics Service (NASS), USDA's data collection agency, ensure a better count and coverage of minority farms and landowners through the 1997 Census of Agriculture. To maximize coverage of minority farm operators, NASS is using different ways to identify names of operators who may have been missed in the standard samples. A special Native American reservation procedure has been created to improve Census of Agriculture counts of Native American farm operators on Indian reservations. If names and addresses of individual farm operators cannot be obtained for some reservations, total agricultural information will be obtained by using knowledgeable sources.

Changes in Local Offices and Service Centers Contribute to Improved Service

The CRAT report traced many of USDA's problems to the local systems that deliver the farm credit services and rural development and housing programs. USDA faced significant challenges in changing the local delivery systems for several reasons. One challenge stems from the autonomy of the State executive directors and State committees who gain those positions through local support. Similarly, county committees who oversee the farm programs are elected by local farmers and ranchers. Neither the county directors nor the county committee staff are Federal employees, although Federal funds appropriated for FSA programs pay their salaries. The CRAT found that the allegiance of people holding these appointed and elected positions, as well as the employees they hire to work in county offices, reflects local values and interests rather than national policies and standards.

The locally elected county committees hire, supervise, and oversee local FSA employees. These employees administer USDA programs and are paid with USDA funds, but they are not directly accountable to the Secretary. Minority landowners speaking at the Secretary's listening forums thought they were being excluded by a self-serving system. Of particular concern was the involvement of the county committees in the farm loan process. In addition, since the employees were not directly accountable to the Secretary, local direction supersedes national direction.

To make the local program delivery system more responsive to civil rights





The Department has new policies to make local offices and service centers more accessible to all customers and to ensure greater diversity in local committees and offices.

concerns, one of the proposals in the Secretary's legislative program would modernize the FSA State and county committee system (see legislative table). Proposed provisions would:

- Convert locally hired FSA county committee employees to Federal status, thereby making all local employees directly accountable to the Secretary;
- Create new voting positions on county committees, and give authority to the Secretary to add county committee members for assuring minority representation;
- Define decisions about farm loans as a Federal versus a county committee role; and
- Adjust several program authorities to facilitate serving more communities.

Even in the face of these challenges, USDA is taking action to make program delivery in local county offices and service centers more responsive to customers' needs and its employees more accountable for adhering to the Secretary's Civil Rights Policy. Some changes focus on remolding the local systems for program delivery; others focus on program practices and employees' behavior to guarantee that all USDA does all its business in a fair, equitable, and nondiscriminatory manner.

The Department has new policies to make local offices and service centers more accessible to all customers and to ensure greater diversity in local committees and offices. New guidelines issued by the NFAC direct the SFACs to establish service centers on Native American Tribal lands that will provide service where needed to reach under-served customers in consultation with Tribal governments (recs. 53, 54). Another directive issued by the ASA on December 12, 1997, requires agencies to evaluate the accessibility of USDA service centers to people with disabilities and make sure that their programs fully comply with the Department of Justice (DOJ) guidelines (rec. 55).

The Department has also made strides toward achieving diversity in FSA local county committees and offices (rec. 17). For example, the diversity of State farm committees is 10 percent higher than it was a year ago because of new recruiting practices in FSA. New guidelines call for FSA to assess the extent of nepotism, conflict of interest, and discrimination present in the program delivery system. A monitoring group is overseeing the process. In another step to assure that local delivery of USDA credit programs is fair and equitable, the Department has been working with the White House to fill vacant slots for political appointees (rec. 16).

Beginning in fiscal year 1998, a new policy requiring standardized civil rights training for all USDA employees for a 3-year cycle also extends to members of the FSA county committees and county office staffs (rec. 57). All volunteers and new field, State, and service centers will receive annual training on Program Outreach, Title VI, commencing in April 1998 (rec. 58). The Directors of CR and HRM are responsible for the design, delivery, and evaluation of the training.

Other Program Changes Benefit Under-Served Groups

Other changes in program rules and regulations have been made to:

- Enable minority farmers to maintain a viable farming operation when they sign up for the Debt for Nature program (rec. 29);
- Strengthen applicants' chances of receiving a housing loan when they lack a solid credit history (rec. 34);
- Improve environmental conditions for farmers and farmworkers (rec. 64);
- Enhance the involvement of small businesses in USDA programs (rec. 65).

Finally, the Department hopes to open access to USDA rural development programs through "Resources 2000," a 2-year campaign geared to persistently poor communities that would otherwise lack the resources and ability to successfully compete (rec. 49).

Some Changes Involve Using the Budgetary and Legislative Processes

Implementing a number of recommendations in the CRAT report requires using the budgetary and legislative processes. The civil rights legislative proposals by current bills appear in the legislative table. In some cases, budgetary proposals cannot be made without congressional authorization. The Secretary is working with Congress and the White House to bring about these changes. The Department has pushed ahead to implement all of these recommendations, realizing that the final decisions require approval from external sources, including the White House, OMB, and Congress.

The President's fiscal year 1999 budget contains several funding initiatives that would increase funding for the Outreach to Socially Disadvantaged Farmers and Ranchers Program (2501) (\$10 million); Farm Ownership and Farm Operating Direct Loan Program (\$47 million); Small Farms Research Initiative (\$4 million); and Environmental Quality Incentives Program (\$100 million). The final effort will be the work needed for these items to become actual appropriations by Congress (see funding proposals table).

Legi	DA 1998 islative rogram	H.R. 2185 Clayton Bill	S.1150 FAIR Act	H.R. 2534 FAIR Act
 17. Modernize the FSA state and county committee system. Convert county committee employees to Federal status and credit county committee service time in determining Federal benefits. County committees would no longer be authorized to employ staff. County committees would be excluded from the farm loan process. County committee membership could be expanded to assure representation for under-represented groups. 	YES	YES	N/A	N/A
 31. Access to credit. Allow farmers who have received debt writedown or whose farms are pending liquidation to continue eligibility for operating loans. Treat debt writedown as non-taxable income. Establish new eligibility requirements for single-family housing loans in the absence of a credit history. 	YES	YES	N/A	N/A
 32. Lease back/buy back agreements. Enable producers who could not to exercise lease back/buy back option Limit authority to the three years prior to April 4, 1996, when Congress mandated the cessation of the program. 	YES ons.	YES	N/A	N/A
46. Environmental Quality Improvement Program. • Increase the funding available for socially disadvantaged producers by increasing EQIP funding from \$200 million to \$300 million.	YES	YES	N/A	N/A
Environmental Quality Improvement Program. Authorize payments in the same year conservation practices are completed. Currently producers must wait until the following fiscal year.	YES r.	YES	N/A	N/A
 43. Equitable Support for 1890 and 1994 Land-Grant Institutions. Increase resources available to the 1890 institutions through non-Federal matching requirements for formula funds (Evans-Allen research and 1890 Extension funds), with the match phased in over a 4-year period. 	YES	NO	Sense of Senate Only	YES
 43. Equitable Support for 1890 and 1994 Land-Grant Institutions. Amend Smith-Lever 3(d) to expand eligibility to 1890 and 1994 land-grant colleges and universities for noncompetitive and competitive funding. Amend Smith-Lever 3(d) to expand eligibility to private and nonprofit colleges and institutions for competitive funding under 3(d). 	YES	NO	YES	NO
 43. Equitable Support for 1890 and 1994 Land-Grant Institutions. Amend Sec 1473 to authorize funds to support agricultural related education and workforce development to all colleges and universities. 	YES	NO	YES	YES
 43. Equitable Support for 1890 and 1994 Land-Grant Institutions. Authorize a competitive research program for the 1994 Land-Grant institutions. 	YES	NO	NO	YES

Funding Proposals in the Fiscal Year 1999 Budget

ITEM	AMOUNT (Million \$)
Civil Rights Activities	17.8
Small Farms Research Initiative	4.0
Minority-Serving Educational Institutions	18.0
Outreach to Socially Disadvantaged Farmers/Ranchers	10.0
Extension Indian Reservation Program	5.0
Farm Ownership and Farm Operating Direct Loan Progr	ams 47.0
Farm Labor Housing Program	40.0
Farmworkers' Needs	7.1
Civil Rights Division in Office of the General Counsel	0.9
Environmental Quality Incentives Program	100.0
Total	249.8

Source: Budget Summary, fiscal year 1999.

Several other budgetary items were not submitted by agencies in their 1999 budget requests, because they were developed late in the CRIT process. These funding needs are very important to the overall process and will be incorporated into the fiscal year 2000 budget. These include:

	Million
Lease Back/Buy Back Funding (FSA)	\$10.0
Debt for Nature (NRCS/FSA)	19.4
Farmworker Items (CSREES)	5.5
Environmental Justice (NRCS)	3.4
1994 Tribal Colleges	5.0

Targeting Working Conditions for Farmworkers

The nation's 2.5 million farmworkers are a critical component of this nation's agricultural system. However, USDA has tended to favor farm owners and operators at the expense of farmworkers. Farmworkers want and are entitled to the basic human rights of respect and dignity. USDA civil rights policy requires that they receive a reasonable return for their labor, a decent standard of living, safe working and living conditions, adequate health care, education, and job security. Farmworkers feel that USDA has not been as responsive to their needs as it should have been and has not made its programs fully available to them.



The Department is asking NASS, the agency that currently prepares annual pesticide use reports for major field crops, fruits, and vegetables, to expand present pesticide use surveys to obtain data from the nursery and greenhouse industries (rec. 63).

USDA Increases Its Efforts To Control Pesticide Use

Several USDA programs already exist to help meet farmworkers' needs. These include programs that relate to housing, pesticide safety, disaster assistance, nutrition, research, and education. Several changes to existing programs and/or new actions are intended to improve working conditions in the fields for farmworkers.

The Agricultual Marketing Service (AMS) administers the Federal Pesticide Record-keeping Program which was mandated by the 1990 Farm Bill and requires that private certified pesticide applicators maintain records of federally restricted-use pesticide applications for 2 years. These records are to be made available to health care workers in cases where pesticide-related illnesses are suspected. AMS received additional funding in fiscal year 1997 to expand the program and to cover all States, territories, and affected Indian nations by the end of fiscal year 1998 (rec. 61).

Also, CSREES, through the cooperative extension system, is now providing instructions on the safe use of pesticides, the need to keep records, and the requirements of the regulations. Manuals, instructive videos, slide sets, and other materials have been developed and are being used extensively in training sessions throughout the country. Proposed new funding and reallocations should expand these efforts (rec. 62).

The Department is asking NASS, the agency that currently prepares annual pesticide use reports for major field crops, fruits, and vegetables, to expand present pesticide use surveys to obtain data from the nursery and greenhouse industries (rec. 63).

USDA is pursuing the possibilities for a collaborative effort with the American Medical Association (AMA) to assist in educating physicians, pesticide workers, producers, and the general public about pesticides. By working with the AMA, more information can be made available to health care providers for the diagnosis, treatment, and proper reporting of pesticide and other work-related illnesses. AMA can help support targeted educational and informational programs to the medical community about pesticide risks and treatment. A partnership with AMA should greatly enhance medical care for farmworkers.

USDA Collaborates With Other Agencies on Farmworker Initiatives

The Secretary of Agriculture initiated meetings with the U. S. Department of Labor (DOL) about the formation of a joint working group on farmworkers to pursue opportunities for closer cooperation and collaboration on farmworker issues (rec. 60). An initiative on farmworkers may rely on some of the recommendations addressing farmworker issues in the Small Farm Commission's report.

New initiatives would also draw from input from the Office of Outreach and the NOC and SOCs, once they are established. The Office of Outreach plans to have a farmworker coordinator on board sometime in 1998.

Building a Diverse Workforce at USDA

SDA has initiated a series of employment practices and procedures with the goal of recruiting and retaining a diverse workforce across all levels, agencies, and units of the Department. On December 9, 1997, the Secretary briefed Members of Congress about the Department's new employment practices. Policies and practices that pertain to accountability, resolving employee complaints, and employee training and compliance were discussed earlier in this report.

Working Toward a More Diverse Workforce

New regulations now require agencies to coordinate strategic planning, recruitment efforts, affirmative employment and recruitment program plans, and other strategies to ensure a highly skilled, diverse workforce (rec. 76). Agencies must review and revise workforce plans and human resources management programs so that such plans emphasize responsibility and accountability and ensure that diversity is an integral part of USDA's workforce and programs. HRM will oversee these functions.

New Departmental regulations require managers to have a diverse pool of applicants for all vacancy announcements (rec. 67). Each agency will target outreach and recruitment for the under-represented groups and organizations identified by its AERPs. Agencies are required to submit outreach plans for vacancies that target under-represented groups and organizations.

In addition, agencies must certify that their recruiters and outreach representatives meet certain core competencies by August 25, 1998. HRM will evaluate agencies' compliance. The personnel bulletin related to this change identifies two levels of required competencies: a basic level for employees who recruit infrequently and a higher level for those who recruit on a recurring basis. Recruiters and outreach representatives must have good interpersonal skills, be trained in recruiting, and be sensitive to cultural differences of potential recruits.



Focusing on Retaining Good Employees

Retention of good workers at USDA is an important element for maintaining a diverse workforce. As a result, agencies are now required to conduct periodic work life surveys to assess how satisfied employees are with their work lives, and workplace conditions, and to identify work life and workplace problems. Agencies will use the results to develop action items for agency



plans that will help improve the work environment and help employees balance their career and personal needs. Agencies' results will be reported to HRM.

Agencies will now be required to provide questionnaires to permanent fulltime employees who are separating from an agency or the Department as well as to conduct exit interviews. Analyses of the questionnaires will help agencies identify trends, develop action items for agency plans that are designed to eliminate barriers to recruitment and retention, improve the work environment, and retain a diverse workforce.

Opening New Opportunities Within the Senior Executive Service

USDA opened up its Senior Executive Service Candidate Development Program (SESCDP) in fall 1997—the first time in 2 years (rec. 77). All eligible GS-14 and GS-15 employees received information about the program through the mail and presentations were made to all USDA employee resource groups. Nearly 400 applications were submitted in fall 1997. Fifty participants will be selected in early 1998 for the rigorous 18-month program. OPM recently revised its Executive Core Qualifications (ECQ's) and the Leadership Competencies for the Senior Executive Service. USDA worked with OPM to modify the USDA plan to use the new standards.

The designations of all of USDA's occupied and allocated vacant SES positions were reviewed to determine if positions are appropriately designated as career-reserved or general. Results have been discussed with Under and Assistant Secretaries and agency heads who will act on the results. A recent announcement for the position of Director of Civil Rights reflects a change from general to career-reserved (rec. 66).

Recognizing Outstanding Achievements

New criteria for USDA's Honor Awards program will enable the Department to recognize individuals, groups, and managers for their significant and outstanding efforts in workforce diversity. Nominations for this year's awards closed December 5, 1997. The first awardees using this revised criteria will receive their awards in summer 1998 (rec. 69).

USDA's intent is that in the very near future its workforce will more closely resemble America and the customers it serves; that diversity will be achieved at all organizational levels; and that managers will demonstrate responsibility and commitment to workforce diversity.

Providing civil rights training to all USDA employees is a way to help change the Department's culture and build an organization that best serves its customers.

Mandatory Annual Civil Rights Training for All Employees

Employee development is critical to the success of any organization's ability to raise its productivity level—for the good of the organization, its employees, and customers. Essentially, training and employee development serve as the means to change the way an organization functions and provides services.

Providing civil rights training to all USDA employees is a way to help change the Department's culture and build an organization that best serves its customers. From now on, all USDA employees—in field offices as well as in headquarters—will receive mandatory civil rights training each year (rec. 68). The purpose is to ensure that every USDA employee consistently receives the same training, with the same content and tone. The plan for the next 2 years is to give employees training on such civil rights topics as sensitivity and workforce diversity, sexual harassment, civil rights and equal employment opportunity laws and regulations, and the discrimination complaint process.

Specifically, the training aims to change behaviors—and, in turn, attitudes—of USDA employees and to promote sensitivity to and respect for fellow human beings. Additionally, USDA's annual civil rights training serves as a way to ensure that all employees know and are held accountable for complying with civil rights laws and regulations. USDA can then take action when an employee discriminates against or harasses a customer or employee.

On January 15 and January 22, 1998, some employees participated in a pilot, *Introduction to Civil Rights* training course, via satellite, in which the Director of Civil Rights outlined expectations and goals to the participants. The training provided a basic awareness of the laws and policies of civil rights and provided an understanding of the behaviors required to successfully interact with a diverse workforce and clients. In this training, employees learned the difference between Title VI (nondiscrimination in delivery of programs, services, or activities) and Title VII (nondiscrimination in employment) of the Civil Rights Act, and learned their responsibilities under the law. Additionally, USDA employees learned and discussed the Secretary's concept of workforce diversity as an integral part of USDA's mission. Training will continue for the rest of 1998 until all USDA employees have received training.

Special Civil Rights Training for Some Non-Federal Employees

Not only will USDA employees be trained in civil rights, but so will FSA county committees and county office staff, and all volunteers and new field, State, and Service Center employees. In April 1998, employees of FSA, which oversees the county committees and has one of the largest number of field offices under its authority, will receive the Program Delivery Civil Rights training. After this, the training will continue until employees of all agencies with significant program responsibilities receive it. This includes NRCS, FS, RD, CSREES, the Risk Management Agency (RMA), and the Food and Nutrition Service (FNS).

The Program Delivery Civil Rights topics include Program Outreach, Representation of Boards and Councils, and Cultural Diversity. This will be the first time that non-USDA employees who provide services to USDA clients will receive civil rights training on how USDA expects them to interact with its customers.

Applying the Civil Rights Training on the Job

When an organization provides training to its employees, seldom is an attempt made to measure the impact of training on the participants. The Secretary does not want to require standardized annual civil rights training for USDA employees if the knowledge gained is not actually applied in the day-to-day operation of work.

For all USDA civil rights training, participants are tested on their knowledge of the topic before the session and then tested again afterwards to see if there are any immediate changes in the participants' understanding. Additionally, 6 months after the training, USDA will survey employees to see if the participants still know the information gained from the training and are applying the principles in their day-to-day work. One year after the initial training, the long-term impact of the training will be measured to see if USDA employees have actually changed their behavior.

Ultimately, USDA wants to ensure that there is a change in the attitudes and actions of its employees to effectively interact with their fellow employees, and, most important, with USDA's customers. Training is just one important component to ensure that USDA employees do not discriminate against or harass USDA customers or employees. Policies have been streamlined to ensure that employees will be held accountable for acting on what they have learned in training. The streamlined procedures allow agencies to quickly take action against employees who discriminate. Furthermore, CR is overseeing agency activities and complaints to ensure that disciplinary action is taken when an employee fails to provide programs and services according to all applicable civil rights laws and regulations. If USDA agencies do not act accordingly, then CR will identify locations or individuals where persistent problems exist and take appropriate corrective action.

Improving Systems for Handling Workplace Conflict

There is a history of dissatisfaction with the EEO complaint process among employees in the USDA workplace. This is evident from the backlog of employment discrimination (EEO) complaints against USDA. It has been exacerbated by an overloaded, dysfunctional EEO complaint system that has not been able to deal with those complaints in a timely manner. Employees' claims of reprisal for their EEO activities are common, but there has been no system to deal promptly with such claims. In one agency—the Forest Service—employees also complained that the agency's law enforcement officers investigate them as a form of reprisal.

Despite the unresponsiveness of the EEO complaint system, employees have continued to resort to that system because no better alternatives existed for dealing with workplace conflict. USDA is instituting new ways to deal with employment disputes in a timely and more effective manner. It is currently acting to eliminate the backlog of employment discrimination complaints and improve the systems for handling discrimination complaints, and is shifting the focus to managing, rather than reacting to, workplace conflict. A new policy is under review that establishes that all EEO resolution agreements have terms that relate to the nature of the complaints, address underlying causes, and are conducive to timely implementation within specified timeframes.

Using Innovative Approaches To Resolve Nearly a Thousand EEO Complaints

One of the Department's highest priorities has been the resolution of the backlog of EEO complaints. During the spring and summer of 1997, the Department conducted a major initiative to bring old EEO complaints to closure. The project succeeded in resolving approximately 350 complaints, mostly through negotiation (rec. 73). To date, 905 of the backlog of 2,091 employee discrimination complaints have been resolved. Between November 1, 1997, and February 20, 1998, 240 new complaints have been filed; 10 of these have been closed.

Because a high percentage of complaints involved the Forest Service, one of USDA's largest agencies, the agency tried an innovative new approach under a joint initiative with the ASA's office to solve its backlog of employee complaints. Individuals who filed complaints before April 1, 1997, were offered outside, professional mediation. If complaints were not settled during mediation, where appropriate, a "best and final offer" based on an expert review of facts and law was made. This resulted in the resolution of about two-thirds, or 155 complaints involving 100 individuals of the 259 Forest Service backlog of complaints from 163 individuals.

Employment Complaint Statistics				
As of February 23, 1998	(1) Backlog	(2) New	Total	
Employee Complaints	2,091	250	2,341	
Active	1,186	240	1,426	
Closed	905	10	915	

⁽¹⁾ The backlog of complaints includes all complaints that were active between January 1 and November 1, 1997.

⁽²⁾ New complaints include those received and accepted as complaints on or after November 1, 1997.



To make conflict management a high priority, the ASA has approved the establishment of a new Conflict Prevention and Resolution Center.

Handling Future Complaints

USDA has also taken a number of steps to improve the handling of work-place complaints in the future. In the past, claims of reprisal have been handled only in the same overloaded EEO complaint process. Under the Department's new reprisal policy, issued on July 31, 1997, three-person panels will hear reprisal claims and, if appropriate, take action to adjust the workplace situation so as to reduce tension and, if appropriate, recommend that disciplinary action be considered.

In addition, a diverse team of USDA employees, with guidance from an outside contractor specializing in systems re-engineering, took an in-depth look at the problems with the EEO system, and made specific recommendations to improve that system. CR has reviewed those recommendations, and will be implementing them on an ongoing basis (rec. 75).

Employees have frequently complained that, if an EEO complaint is finally settled, managers are not held accountable for discrimination or misconduct. To address this concern, the Department's new policy (in process) is that "no fault" EEO settlements may not be used to hide discrimination. If, in resolving a discrimination complaint, management or civil rights staff believe that an employee may have discriminated or acted improperly, they are obligated to recommend that the misconduct be investigated for possible discipline or corrective action (rec. 74).

Managing Conflict in Its Early Stages

One reason USDA employees file numerous EEO and other formal workplace grievances is because the Department has not placed enough emphasis on handling conflict properly **before** it escalates. To make conflict management a high priority, the ASA has approved the establishment of a new Conflict Prevention and Resolution Center. The Center will be the Department's focal point for training USDA employees, particularly managers, in skills such as negotiation and communication, and for making greater use of alternative dispute resolution techniques, such as mediation, to resolve disputes at the earliest possible stage.

Resolving Employee Complaints by July 1, 1998

All unresolved cases will continue in the EEO process. CR has developed a plan to effectively resolve the backlog of employment complaints by July 1, 1998. With a smaller caseload, new complaints may proceed through the system in a more timely fashion. However, USDA must continue to hold employees accountable when they discriminate, and require managers to have the skills necessary to effectively handle conflict before it becomes necessary for an employee to file a formal complaint.

Completing Unfinished Business

he Secretary has made significant progress toward his goals for improving civil rights at USDA. As of February 1998, work on implementing all but 2 of the 92 recommendations had been completed. Responsibility for those 2 has been transferred to other offices. CRIT members have returned to their normal responsibilities, carrying with them the realization that they worked on one of the most significant efforts in the history of the Department to change the way that USDA does business.

CRIT Disbands But Change Continues

The CRIT, established to function on a temporary basis, formally disbanded on February 28, 1998, although some members had returned to their agencies earlier. Before disbanding, the CRIT took deliberate steps to turn over responsibility to the normal organizational structure to take up where they left off. CRIT and other DA representatives conducted 2-hour transition briefings with Subcabinet officials and agency leadership in each mission area to discuss the civil rights reforms, the new accountability system, and to clarify everyone's roles and responsibilities. By making a concerted effort to institutionalize the change, CRIT leaves behind a legacy that will help USDA to continue on the path of becoming a civil rights leader in the Federal Government.

No one should have expected that civil rights would be "fixed" at USDA in a few months any more than anyone expects the Administration's initiative on race relations to dramatically change America overnight. These issues are simply too complex, and far too sensitive, for that. However, the Secretary has forever changed the nature of the debate at USDA, and has put significant policies and procedures in place to institutionalize change at the Department. Even though a substantial downpayment has been made, USDA's managers and employees must accept the baton and continue to work systematically on the Secretary's goal of creating a Department where every employee and customer is treated fairly and equitably, and with dignity and respect.



Settling the Backlog of Complaints

Clearly, one monumental task that remains to be finished is the settling of the backlog of program discrimination complaints. To resolve the class action complaint filed by black farmers, the Department is now working with DOJ, the White House, and the Federal Courts to mediate the complaints. The 6-month mediation effort was agreed to on December 19, 1997; a Federal mediator has been appointed, and the Department is now working to resolve

Five Civil Rights Strategic Goals

- Accountability
 - **Program Delivery**
 - **Workforce Diversity**
 - Resources
 - **Procurement**

every case in the class action where farmers can demonstrate that they were the victims of discrimination.

USDA must confront and deal with some legal barriers to resolve every complaint. For example, the statute of limitations has affected the Department's ability to settle old complaints with black farmers. As a result, the Department is currently working with DOJ and the White House Counsel to address the problems raised by the statute of limitations for specific cases. USDA also anticipates working with Congress to introduce legislation allowing the Secretary to waive the statute so that old cases may be settled. The Department also continues to work on resolving complaints through the normal administrative process. While USDA cannot use an administrative process for farmers who are members of a class action complaint or have filed a civil court law suit unless their attorneys concur, farmers who feel they have been discriminated against and have not filed a law suit can elect to use either the administrative or court process.

Passing Legislation

Another critical area of unfinished business remains with Congress. Legislation has been drafted to address many of the problems that have hampered USDA's ability to provide equal access to programs and services for all Americans. As noted earlier, many issues are addressed in legislation (H.R. 2185) introduced by Congresswoman Eva Clayton (D-NC). These include requests for additional funding, as well as language to strengthen the Secretary's ability to manage the delivery of farm programs by improving the county committee system. In addition, Secretary Glickman's 1998 legislative program addresses legislative reforms in the CRAT report, such as providing more flexibility in credit to USDA customers. The Secretary also supports repeal of a provision in the 1996 Farm Bill that bars any farmer who has taken a debt write-off from receiving a new loan. Achieving this legislative agenda is one of the Secretary's highest priorities, and he will continue to work with Congress to provide the legislative changes and resources USDA needs to keep small farmers on the farm. Also, agency heads will continue to follow up on funding requests for agency programs.

Institutionalizing New Policies

Agencies and staff offices are now accountable for implementing a series of policies developed to permanently change the way USDA does business. The goal is to create long-lasting change, as opposed to a burst of activity with only short-term impact. Institutionalizing the change process has begun through the incorporation of new policies and directives into the



The Department now has the capacity and a dedicated staff in the Office of Civil Rights to measure progress toward changing USDA's culture for civil rights and achieving the Secretary's goals.

Department's standard operating procedures. USDA managers and employees are now accountable for conducting business in ways entirely different from the past; agency heads and staff office directors will be held accountable for ensuring that the agencies and employees adhere to new policies and operating procedures—which range from requiring annual civil rights training for all employees to certifying that managers possess critical leadership skills.

Obviously, it will take some time before new policies work their way into the Department's collective ways of doing business. Old habits die hard. Yet, the first step has been taken: the Secretary has identified the types of conduct he expects, and the kinds of conduct that will no longer be tolerated at USDA. These expectations have been embedded into USDA's policies and procedures. Agency heads are now accountable for taking ownership of these new policies, communicating them to all employees, and ensuring that they are being enforced.

Monitoring and Measuring Progress

Finally, to strengthen civil rights enforcement, the Department is now prepared to monitor and measure progress all along the way. In some ways, this may be the most important of all the tasks that must be accomplished to make change a reality. USDA is one of the largest Federal agencies. It consists of many separate agencies and staff offices, each with their own "way of doing business." In the past, it has often been difficult, if not impossible, for the Secretary or any Department-level official to keep up with what is really happening. This has especially been true in the arena of civil rights.

To solidify the changes already begun, the Department must have the ability to monitor and track progress that is made and the problems that persist in civil rights. The Department now has the capacity and a dedicated staff in the Office of Civil Rights to measure progress toward changing USDA's culture for civil rights and achieving the Secretary's goals. Also, when allegations of discrimination are made, tracking systems have been developed to provide the Director of Civil Rights with information on the total number of complaints, as well as information on specific complaints. Furthermore, a new, stronger system has been put in place to ensure that those who discriminate are disciplined appropriately.



Looking Forward

The Secretary's policy for civil rights at USDA is clear: every employee and every customer must be treated fairly and equitably, and with dignity and respect. The problems as well as the solutions have been clearly articulated. Over the past year, the CRIT has worked to put new policies, procedures, and systems in place to begin changing USDA's culture for civil rights. It is now time for the normal organizational structure to take on the full implementation task and keep the cultural change going into the next century. USDA, under the Secretary's leadership, has made a decisive turn from the past. USDA is poised to create a future of which every employee can be proud. It is up to each employee, each agency, and each mission area to keep the change going. This will become Secretary Dan Glickman's legacy to USDA.



Appendixes

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Status of Implementation by Recommendation



To ensure civil rights accountability at USDA, delegate to the Assistant Secretary for Administration (ASA) full authority—in practice as well as on paper—over all civil rights issues at USDA. The ASA may further delegate civil rights authority through the Mission Area Assistant and Under Secretaries to agency heads to administer civil rights programs.

Action Taken

Secretary's Memorandum 1010-4 implementing this recommendation assures civil rights accountability at USDA. The ASA now has full authority over civil rights, including the authority to rate the agency heads on their performance of civil rights functions over the next 3 years. Through the exercise of these authorities, the ASA can ensure civil rights accountability in USDA that results in the fair and equitable treatment of all customers and employees, fewer complaints of discrimination and reprisal, and a significant improvement in the timely processing of formal and informal complaints.

Documents Issued

Secretary's Memorandum 1010-4, "Restructuring of Departmental Administration," May 16, 1997.

Responsibility Delegated To

Assistant Secretary for Administration

Recommendation 2

Delegate to the ASA the authority to rate agency heads on their civil rights performance elements. The ASA will provide feedback to the Secretary on the civil rights performance of the Subcabinet.

Action Taken

The Secretary has delegated authority to the ASA to rate agency heads and staff directors on their civil rights performance standards for the next 3 years. Agency heads and staff office directors were provided with a new civil rights performance element effective October 1, 1997, and a Civil Rights Implementation Plan that reflected the priorities in the Civil Rights Action Team report. A new Accountability Division has been established in the Office of Civil Rights to monitor and assess agency performance on civil rights and provide the ASA with an assessment of progress for use in

quarterly performance reviews. Agency heads and staff directors will be held accountable for integrating the plans, and implementing them, as part of their annual operating plans.

Documents Issued

Secretary's Memorandum 1010-4, "Restructuring of Departmental Administration," May 16, 1997. Civil Rights Implementation Program and Performance Standards, Operational Procedures (in process), December 30, 1997.

Responsibility Delegated To

Assistant Secretary for Administration Director, CR

Recommendation 3

Revise the present Performance Review Board (PRB) process for measuring performance of senior executives in civil rights, and implement an objective process designed to measure accomplishments based on specific goals and objectives. Hold Subcabinet members, Agency Heads, and senior officials accountable for implementing results-oriented affirmative employment and civil rights implementation plans.

Action Taken

The Performance Review Board process has been revised to reflect the new role of the Assistant Secretary for Administration as the rater for the civil rights performance element for agency heads and staff directors. A new civil rights performance element and civil rights implementation plans have been developed for each agency and staff office, establishing standards for: accountability for workforce diversity, program delivery and outreach, organizational structure of civil rights, and procurement. Effective October 1997, the Assistant Secretary for Administration will rate all agency heads on their civil rights accomplishments. Agency Heads have begun to submit monthly and quarterly reports to CR.

Documents Issued

Performance Plan, Form AD-435D, for Agency Heads and Senior Executives, October 1997.

Civil Rights Implementation Plans for Agency Heads, October 1997

Responsibility Delegated To

Assistant Secretary for Administration Director, HRM Director, CR



The Secretary should revise and reissue USDA's civil rights policy to include specific, measurable goals and objectives in program delivery and employment that will provide guidance for senior officials on what they are expected to accomplish. The Secretary will hold the Subcabinet and agency heads accountable for adherence to the civil rights policy.

Action Taken

The Secretary's Civil Rights Policy Statement, issued February 28, 1998, said that "every customer and every employee must be treated fairly and equitably, and with dignity and respect." That policy has been revised in a new Departmental Regulation to include five strategic goals for the Department in civil rights. These goals correlate with major areas in the Civil Rights Action Team Report—accountability, workforce diversity, program delivery, organization and structure, and resources and procurement. They will be integrated into the Department's and each agency's strategic plan.

Documents Issued

Secretary's Memorandum 4300-7, "Civil Rights Policy Statement, February 28, 1997."

Departmental Regulation "Policy on Public Notification" (in clearance).

Responsibility Delegated To

Director, CR Chief Financial Officer (CFO)

Recommendation 5

To assure accountability, adopt and enforce a policy that the Department will take the appropriate adverse or disciplinary action against any manager found guilty of reprisal against any USDA employee or customer. Investigate all allegations of reprisal, and abuses of power, and where allegations appear meritorious, immediately remove the official from managerial duties, pending full investigation.

Action Taken

A new policy governing reprisals was issued July 31, 1997, as Department Personnel Bulletin 752-1. In cases of suspected reprisal arising from EEO complaints, each mission area will establish a three-person panel made up of one union or employee representative, one manager or personnel staff member, and one impartial member who will conduct an inquiry into the claim. Within 45 days, this panel may make binding recommendations to adjust the employee's workplace or environment, to reduce tension, and to recommend that the mission area take disciplinary action.

For reprisal cases not arising from an EEO complaint, each mission area will establish an office to hear allegations at the headquarters and, as appropriate, at the field level. In addition, the policy requires statistical reporting of reprisal complaints and disciplinary measures; the report will be available to all USDA customers. The effectiveness of the reprisal panels will be evaluated on or before December 31, 1998.

Documents Issued

Departmental Personnel Bulletin 752-1, "Reprisal Actions Against Employees and Others," July 31, 1997.

Responsibility Delegated To

Director, HRM

Recommendation 6

Streamline procedures to allow agencies to quickly take the appropriate adverse and disciplinary actions against employees who fail to provide programs and services in compliance with all applicable civil rights laws and regulations, or who discriminate against or harass USDA customers or employees.

Action Taken

A Personnel Bulletin, issued December 30, 1997, establishes the guidelines for agencies to take disciplinary action against employees who engage in discriminatory treatment. The Office of Civil Rights has assumed responsibility for on-going oversight and monitoring of this recommendation. When discrimination is found as a result of an employment or program complaint, CR will notify the agency head and direct them to take appropriate action, monitor agency compliance, and consult with HRM to determine the course of action to follow, if the agency's action is deemed inappropriate. CR will soon begin tracking complaints and respondents by name. This facilitates the identification of locations and individuals where persistent problems exist and further corrective or preventive actions may be warranted.

Documents Issued

Departmental Personnel Bulletin 752-2, "Discipline-Discrimination Cases," December 30, 1997.

Responsibility Delegated To

Director, HRM Director, CR

Recommendation 7

The Secretary, USDA's Subcabinet, and agency heads must set an example of accountability and commitment for the Department by ensuring that their immediate staffs reflect the desired diversity that the Secretary is establishing for the Department as a whole.

Action Taken

A plan has been developed which will allow the Secretary to monitor the diversity of political appointees and other senior staff. The plan calls for periodic reports on hirings and appointments in USDA's senior staff. The Secretary is currently reviewing the plan.

Documents Issued

Secretary's Workforce Diversity Plan for Political Appointees (in clearance).

Responsibility Delegated To

Director, HRM USDA White House Liaison

Recommendation 8

Include in the Department's Strategic Plans required under the Government Performance and Results Act (GPRA) as well as in agency plans, goals as outlined in the Secretary's policy statement to improve workforce diversity and civil rights. Affirmative Employment Plans and Civil Rights Implementation Plans must also reflect the Secretary's goals. Set specific goals for minority and women-owned business participation in all program delivery, procurement, export, and business development activities.

Action Taken

The civil rights standards of performance for each agency head and staff office director require them to develop a civil rights strategic plan with measurable goals and objectives. The plans are to address improvements in workforce diversity and program delivery; cover agency civil rights priorities as identified in Affirmative Employment and Recruitment Plans, civil rights program delivery, and small and disadvantaged business use; and identify sufficient resources to achieve agency civil rights goals and objectives. The scheduled date for most agencies to submit their plans to CR was January 1998.

Documents Issued

Agency Heads Performance Plan, AD-435D, "Civil Rights Performance Standards," FY 1997.

Departmental Regulation, "Policy on Public Notification" (in clearance).

Responsibility Delegated To

Director, CR CFO

Recommendation 9

Plans should establish reporting requirements to periodically collect data from USDA field offices to measure program delivery to minority, women, and small and limited-resource farmers.

Action Taken

CR's newly established Accountability Division is responsible for tracking, monitoring, and assessing agency civil rights performance. Reporting requirements have been identified, and a reporting system is being established, to ensure that adequate data is available to monitor civil rights progress in all agencies and staff offices.

Documents Issued

Civil Rights Implementation Program and Performance Standards, Operational Procedures, December 30, 1997.

Responsibility Delegated To

Director, CR

Recommendation 10

Plans should include well-defined areas of responsibility and accountability. Performance standards and elements for agency heads and all senior officials should reflect the specific goals and objectives as identified in the Department's and agencies' strategic plans.

Action Taken

The Civil Rights Implementation Plan, referenced in each agency head's and staff directors' performance element, requires them to: (a) develop a civil rights strategic plan with measurable goals and objectives and (b) revise the performance standards for senior executives and other senior officials. A new Departmental Regulation (in clearance) contains civil rights goals that will be incorporated into all strategic plans at the Department.

Documents Issued

Agency Heads Performance Plan, AD-435D, "Civil Rights Performance Standards," FY 1997.

ASA Memorandum to Chief of Staff and Under and Assistant Secretaries, "Quarterly Review of Civil Rights Performance Standards," November 26, 1997.

Departmental Regulation "Policy on Public Notification" (in clearance).

Responsibility Delegated To

Director, CR

Recommendation 11

Identify the core competencies and skills required to effectively manage people and serve customers, including recruitment and management of a diverse workforce and serving diverse customers. Require all promotions and selectees into managerial positions to demonstrate those competencies. Use employee and peer review surveys to assess managerial competence, provide feedback, and develop performance improvement plans for managers where needed.

Action Taken

USDA will adopt the OPM Leadership Effectiveness Framework which outlines 27 competencies for supervision and management. These competencies have been integrated into policy issuances for Training, Promotion, and Employee/Peer Feedback. The competencies will form the basis for more consistent, coordinated, and effective training for team leaders, supervisors, managers and executives across USDA.

A new training policy (in process) will establish a Training and Development Consortium comprised of the Mission Area Training Officers. The Consortium will establish a charter and a strategic plan for addressing the training-related concerns raised in the CRAT and implemented through the CRIT process. The policy also emphasizes the importance of supervision to the success of USDA programs, links the possession of leadership competencies to selection for supervisor and other leadership positions, stresses the importance of diversity as a valuable resource, and reinforces accountability for leadership positions.

A separate personnel bulletin on selection and promotion (in process) requires agencies and staffs to strengthen and increase the emphasis of leadership and interpersonal skills when selecting and promoting individuals for supervisory and managerial positions in USDA.

The Multi-Input Program for Supervisors and Managers, which will be phased in over a 3-year period, requires agencies and departmental staffs to administer standardized assessment surveys to gain feedback on supervisory and managerial competencies. During the implementation period, the feedback will be used for training and development purposes. HRM will evaluate the program and develop policy to incorporate feedback into the performance management process.

Documents Issued

Personnel Bulletin, "Competency-Based Selection for USDA Supervisors and Managers (in process).

Secretary's Memorandum, USDA Policy on Training and Development for Team Leaders, Supervisors, Managers, and Executives" (in process). Personnel Bulletin 430-2, "Multi-Input Program for Supervisors and Managers" (in process).

Responsibility Delegated To

Director, HRM

Require and provide ongoing training for all managers to enhance their people skills, including managing a diverse workforce. Develop criteria to measure effectiveness, provide specific time frames for managers to improve, and require agency heads to remove from managerial positions those whose performance fails to meet the criteria.

Action Taken

USDA's training policy (in process) requires competency-based training for supervisors and managers and establishes a framework to evaluate training effectiveness and impact.

Documents Issued

Secretary's Memorandum, "USDA Policy on Training and Development for Team Leaders, Supervisors, Managers, and Executives" (in process).

Responsibility Delegated To

Director, CR Director, HRM

Recommendation 13

The Department of Justice (DOJ) should investigate allegations of abuse of authority by the Office of Inspector General and Forest Service Law Enforcement.

Action Taken

The Office of Inspector General (OIG) established an internal task force to review allegations arising from the Civil Rights Action Team listening sessions and hotline. OIG concluded: "Based on our review, the allegations were not substantiated, but rather appear to result from general dissatisfaction with the ultimate outcome of complaints made to OIG, and audits and investigations conducted by OIG."

Complaints regarding abuses of authority by Forest Service Law Enforcement are addressed under Recommendation 14.

Documents Issued

"Report for the Secretary on References to the Office of Inspector General in the Civil Rights Action Team (CRAT) Report," issued by the Inspector General, March 17, 1997.

Responsibility Delegated To

Assistant Secretary for Administration

The Secretary should direct the Forest Service to discontinue the practice of using its Law Enforcement staff to investigate Forest Service employees.

Action Taken

On September 2, 1997, the ASA directed the Under Secretary for NRE to stop using Forest Service Law Enforcement and Investigations officers to investigate FS employees for non-criminal misconduct or other minor employee misconduct. Any proposed investigation by FS of FS employees for alleged criminal conduct now requires advance approval of the OIG, the FS Chief, and the Under Secretary for NRE. This directive was incorporated into Forest Service policy on September 13, 1997. In addition, FS employee complaints involving allegations of discrimination have been turned over to the CR who will work with OIG on serious misconduct or abuse of authority.

Documents Issued

ASA Memorandum to Under Secretary, NRE, "Forest Service Law Enforcement," September 2, 1997.

Interim Directives 5300-97-4 and 5320-97-5, Forest Service Manual, November 13, 1997

Responsibility Delegated To

Director, CR

Recommendation 15

The DOJ should advise the Secretary on the role and functions of the OGC at USDA as it relates to civil rights. The Secretary should take appropriate action to ensure that OGC has the capacity to provide the Department with the quality of legal assistance required for civil rights.

Action Taken

The Secretary named a new Associate General Counsel for Civil Rights in the OGC in January 1998. The Associate, a career senior executive who reports directly to the General Counsel, heads a newly created civil rights division within OGC. Pending full funding, the division will be staffed with attorneys who specialize in civil rights laws and will provide USDA with the expertise it needs to make certain that employment and program delivery activities are conducted in accordance with civil rights laws, rules, and regulations. In addition, OGC has re-established a Recruitment Committee of diverse employees to ensure that the office recruits and promotes a diverse workforce.

Documents Issued

Secretary's Decision Memorandum, "Establishment of Civil Rights Staff Within OGC," March 31, 1997.

Responsibility Delegated To

General Counsel, OGC

To assure that local delivery of USDA credit programs is fair and equitable, work with the President and Congress to obtain the authority to make personnel selections and manage the Farm and Foreign Agricultural Services (FFAS) and Rural Development (RD) mission areas to ensure accountability down the line, from the Secretary to the State and county.

Action Taken

Data are being collected to compare community demographics with the demographics of USDA-appointed State and local officials in FFAS and RD. The date for SFACs to submit the information is April 1, 1998. The mission areas will then analyze the information and provide a report to ASA that presents the findings and recommends corrective actions, if any.

Documents Issued

None

Responsibility Delegated To

Under Secretary, RD Under Secretary, FFAS

Recommendation 17

Modernize the FSA State and county committee system by converting all county non-Federal positions, including county executive directors, to Federal status; changing the committee selection process: and removing county committees from any farm loan determinations.

Action Taken

Legislative language to implement this recommendation appears in Bill H. R. 2185, entitled "The USDA Accountability and Equity Act," which was introduced July 17, 1997, by Representative Eva Clayton (D-NC). The Secretary provided a legislative report regarding the bill on August 26, 1997. The proposed legislation would convert all permanent and temporary county committee employees to Federal positions. In addition, provisions are included to expand county committee membership where necessary for under-represented groups and to change farm loan processing to a Federal function. The Secretary's 1998 legislative program also includes legislative language for USDA's civil rights initiatives.

Documents Issued

Bill H.R. 2185, "USDA Accountability and Equity Act," introduced July 17, 1997.

Departmental Legislative Report on H.R. 2185, August 26, 1997. USDA 1998 Legislative Program.

Responsibility Delegated To

Agency Head, FSA

Recommendation 18

Conduct a complete review of county committees and county office staffs to determine whether nepotism, conflict of interest, and/or discrimination in program delivery exists.

Action Taken

Guidelines have been developed for FSA to conduct the reviews, and a monitoring group has been established under the ASA to independently oversee the process. The monitoring team will ensure the review is conducted in a thorough, unbiased manner. Reports from the monitoring subgroup and FSA will be provided to the ASA. Corrective actions will be taken as problems are identified. The review will be done on a sampling basis—with the sample expanded where warranted.

The review is scheduled for completion by May 28, 1998, with a final follow-up report due by June 30, 1998. Provisions have been made to track and monitor progress until the completion of the review.

Documents Issued

ASA Memorandum to Head, FSA, "Civil Rights Action Team (CRAT) Report Recommendation No. 18," November 14, 1997

Responsibility Delegated To

Agency Head, FSA Director, CR

Recommendation 19

Establish a system to assure timely and equitable handling of loan applications by county offices, including review and concurrence by FSA and Rural Development State Directors within 30 days of any adverse decision that affects a member of a defined socially disadvantaged group.

Action Taken

FSA and RD have been tasked with implementing this recommendation.

Documents Issued

ASA Memorandum to Head, FSA. "Civil Rights Action Team (CRAT) Report Recommendation No. 19," January 29, 1998. ASA Memorandum to Under Secretary, RD, "Civil Rights Action Team (CRAT) Report Recommendation No. 19" (in process).

Responsibility Delegated To

Under Secretary, RD Agency Head, FSA

Recommendation 20

Require independent review of all pending foreclosures to determine whether discrimination in USDA programs contributed to foreclosure action.

Action Taken

In December 1996, the Secretary halted all pending farm loan foreclosures until a review of each case could be made to determine if any inconsistencies existed. Subsequent actions replaced the original notice.

USDA's new foreclosure policy halts foreclosure proceedings immediately when a discrimination complaint is filed. Proceedings will not resume until an independent review of the complaint has been performed.

Documents Issued

FSA Notice FC-94, "Review Checklists for Civil Rights, ECOA, and Farm Credit Primary Loan Servicing Compliance," December 18, 1996; Expired June 1, 1997.

FSA Notice FC-106, "Suspending Farm Credit Foreclosures," March 12, 1997.

FSA Notice FC-114, "Delay of Accelerations on Subsequent Actions Pending Review by USDA Independent Team," Issued April 18, 1997; Expires April 1, 1998, makes FC-94 and FC-106 obsolete.

FSA Notice FC-117, "Creditworthiness Determinations," Issued May 15, 1997, Expires April 1, 1998.

FSA Notice FC-150, "Establishing State FSA Civil Rights Independent Review Groups to Review Pending Acceleration and Foreclosure Cases," October 22, 1997; Expires September 1, 1998, makes FC-114 obsolete.

Responsibility Delegated To

Director, CR Agency Head, FSA

Require that all pending foreclosures or actions leading to foreclosure be halted until all appeals of any formal civil rights complaints have been completed.

Action Taken

USDA has issued a series of FSA Field Notices which halted all pending foreclosures until a determination is made about discrimination as a factor in any USDA farm loan foreclosure.

An independent review team in Washington, DC, received and reviewed 3,148 of the 4,500 pending foreclosures. Actions were halted on 116 cases, pending investigation of possible civil rights violations. Foreclosure proceedings are continuing in the other cases. The Washington, DC, review team has now been disbanded and on October 21, 1997, USDA directed each State to appoint a diverse Civil Rights Independent Review group, representative of the State's population, to review each case to determine if discrimination or inequitable treatment contributed to the failure of each farming operation. The new loan policy also established that FSA must process new loan applications from borrowers with pending discrimination complaints. If an FSA loan officer is alleged to have discriminated against the prospective borrower, the application will be assigned to another loan officer. If the new loan is refused, the application must be advised both in a face-to-face meeting and in writing.

Documents Issued

FSA Notice FC-94, "Review Checklists for Civil Rights, ECOA, and Farm Credit Primary Loan Servicing Compliance," Issued December 18, 1996; Expired June 1, 1997.

FSA Notice FC-106, "Suspending Farm Credit Foreclosures," March 12, 1997.

FSA Notice FC-114, "Delay of Accelerations or Subsequent Actions Pending Review by USDA Independent Team," Issued April 18, 1997; Expires April 1, 1998; makes FC-94 and FC-106 obsolete.

FSA Notice FC-117, "Creditworthiness Determinations," Issued May 15, 1997. Expires April 1, 1998.

FSA Notice FC-150, "Establishing State FSA Civil Rights Independent Review Groups to Review Pending Acceleration and Foreclosure Cases," Issued October 22, 1997; Expires September 1, 1998, makes FC-114 obsolete.

Responsibility Delegated To

Director, CR Agency Head, FSA

Act on all existing program discrimination complaints within the next 120 days. Resolve those that can be resolved and bring all others to the point of adjudication within those 120 days.

Action Taken

When the CRAT report was released at the end of February 1997, USDA officials estimated that the backlog could be resolved within 120 days. However, the new Director of Civil Rights, appointed in March 1997, found that the case files were in disarray and that the program investigation unit had been dismantled in 1983. USDA agencies had been conducting preliminary inquiries on their own and nearly all of the reports to USDA's Office of Civil Rights indicated that the agency had not discriminated against the farmers.

In July 1997, the Director of CR began hiring contract investigators and recruiting for permanent and temporary investigators. Since January 1997, CR has closed 224 of the backlog of 1,088 formal complaints active between January 1, and November 1, 1997. There have been 11 major financial settlements, totaling more than \$3.5 million. In October 1997, the Department of Justice successfully mediated an additional four individual complaints, which were part of a proposed class action suit. These four complaints totaled an additional \$1.2 million.

A class action lawsuit was filed against USDA in August 1997, alleging discriminatory practices against all black farmers between January 1, 1983, and February 21, 1997. The suit now represents more than 200 farmers in about 20 States. On December 19, all parties agreed to a 6-month mediation process to try to settle the complaint beginning January 5, 1998.

Documents Issued

None

Responsibility Delegated To

Director, CR



Require that an agency's civil rights office elevate a program discrimination complaint to the next higher level when no action has been taken within the time limit. When a delay occurs at the next higher level, the agency's civil rights office should apply the adverse inference rule and direct the agency to immediately act on the complaint in favor of the customer.

Action Taken

As part of the new program appeals system described under recommendation 24, agencies are now required to elevate program discrimination complaints to the next higher level if no action has been taken within 180 days.

Documents Issued

Operating Manual, "Program Discrimination Complaint Process" (in process).

OMB 0508-0001 Brochure, "How to File a Program Discrimination Complaint with USDA," February 1998.

Responsibility Delegated To

Director, CR

Recommendation 24

Establish one program appeals system for all mission areas at USDA. Hold all litigation until the appeals process is complete.

Action Taken

The system for processing program discrimination complaints has been redesigned. The new system will bring complaints to closure within 180 days and will offer customers the option to participate in mediation. The system calls for the coordination of appeals and discrimination complaints, so that an adverse appeal decision will not be implemented while a discrimination complaint is being processed. An operational manual setting forth key aspects of the system has been created. Customer input has been and will continue to be solicited. A key component of the new system is an education and awareness campaign, so customers know how to file a discrimination complaint and USDA employees know what to do when they receive one.

Documents Issued

Operating Manual, "Program Discrimination Complaint Process" (in process).

OMB 0508-0001 Brochure, "How to File a Program Discrimination Complaint with USDA," February 1998.

Employee Training Video, Simple Justice, January 15, 1998.

Responsibility Delegated To

Director, CR

Recommendation 25

The National Appeals Division Director shall consider the impact of the NAD appeals process on the civil rights of farmers and coordinate the program appeals process with the Department's program discrimination complaints process.

Action Taken

The discrimination complaints process and the National Appeals Division (NAD) appeals process are being coordinated through the development of the program discrimination complaints process.

Documents Issued

See Recommendation 23.

Responsibility Delegated To

Director, CR

Recommendation 26

Require that the National Appeals Division and informal agency program appeals processes comply with established legal time lines and establish timelines in cases where they are not required by law. When NAD does not comply with these timelines and the Hearing Officer has ruled in favor of the customer, the Hearing Officer's ruling shall stand.

Action Taken

A new policy has been written to require agencies, including NAD, to comply with timelines and to implement appeals decisions within 10 working days. The policy sets uniform timelines, when appropriate, for appeals processes of different USDA agencies. Agencies will no longer implement adverse appeals decisions when the customer has a pending discrimination complaint. Consequently, the policy ensures that agencies will meet timelines and that timely implementation will be a factor in managers' and employees' performance standards.

Documents Issued

Secretary's Memorandum, USDA Policy on Appeals Timelines and Agency Implementation of Decisions and Settlement Agreements (in clearance).

Responsibility Delegated To

Director, CR



Hold all managers accountable for carrying out the final decisions of the National Appeals Division and within 10 working days of their issuance.

Action Taken

Stipulations of the performance appraisal system hold managers accountable for adhering to terms of the appeals process.

Documents Issued

Secretary's Memorandum, "USDA Policy on Appeals Timelines and Agency Implementation of Decisions and Settlement Agreements" (in clearance).

Responsibility Delegated To

Director, NAD

Recommendation 28

To establish a baseline for the number of minority farms, USDA should support a voluntary register of minority farms. This would help USDA set goals to halt land loss and to monitor the loss of minority-owned farms.

Action Taken

The Secretary is creating a voluntary register, through USDA Service Centers, to document the amount of farmland owned by minorities. The register establishes a baseline of minority-owned and/ or operated lands to determine the current status and to target programs to sustain or increase present ownership levels. A specific register sign-up form, which will be issued in Spanish and English, is in clearance. Register informational materials will be distributed to Community Based Organizations (CBO's), educational institutions, and government agencies assisting minorities with land retention and acquisition to ensure the program is widely publicized and accessible to all. The Minority Farm Register will be administered by the Office of Outreach. Secretary Glickman has established a toll-free number, 1-800-880-4183, to make it easier for customers to reach USDA with questions about this program.

To assure that the U.S. Census of Agriculture accurately counts minority farms, NASS has added a number of additional lists of minority farm operators to the 1997 census mailing list. Also, minority operators included in the 1992 census were contacted to identify farmers who were missed in that census. As part of the 1997 census, a procedure has been designed which will estimate the number of Native American operators on every reservation instead of counting a reservation as one farm, as was done in the 1992 census.

Documents Issued

Minority Farm Register Brochure (in clearance). Minority Farm Register Sign-up Form (in process).

Responsibility Delegated To

Director, Office of Outreach Agency Head, NASS Agency Head, FSA

Recommendation 29

Fully implement a "Debt for Nature" program as authorized in the 1996 Farm Bill and prior legislation.

Action Taken

A Secretary's Memorandum (in clearance) will direct the agency heads of FSA and NRCS to fully implement the "Debt for Nature" program. These two agencies have developed a proposal to cover debt cancellation conservation contracts and to inventory property conservation easements and transfers. The program allows farmers to reduce their farm loan debt in exchange for marginal farm lands being put to conservation, wildlife, wetland, and similar uses, under the provisions specified by NRCS.

By ensuring that farmers understand and have access to this program, the program provides another avenue to maintain a viable farming operation by signing up for the debt cancellation for the conservation feature of this program. The program makes it easier for minority farmers to borrow funds for landownership or to improve their cash-flow on existing loans.

Documents Issued

Secretary's Memorandum, "Debt for Nature and Related Conservation Programs" (in clearance).

Responsibility Delegated To

Agency Head, NRCS Agency Head, FSA

Recommendation 30

Establish and empower a Special Task Force to determine a process for providing remediation to farmers who have been discriminated against by USDA. Priority should go to farmers who have lost or are about to lose their land because of discrimination.

Action Taken

CR has taken a number of actions to investigate and resolve allegations of discrimination, including compensation where discrimination has been found and disciplinary action against those found to have discriminated. In August 1997, a group of black farmers filed a class action law suit against the Department for discrimination in its loan and credit programs. The judge has ruled that both sides are to try mediation to resolve complaints before he will agree to allow the class action lawsuit to proceed. The court-ordered 6-month mediation process began in January 1998.

Documents Issued

Stipulation and Order, U.S. District Court for the District of Columbia, Civil Action No. 97-1978, December 24, 1997.

Responsibility Delegated To

Director, CR

Recommendation 31

Allow farmers who have received debt write-down or whose farms are pending liquidation to continue eligibility for operating loans.

Action Taken

Legislative language has been prepared by USDA, for submission by the Secretary, to ensure that farmers continue to have access to credit, while adequate safeguards are in place to protect the integrity of financial programs. This legislation would have a lifetime limit of three debt write-downs. Write-downs that result from settlement of discrimination complaints would not be counted. Factors to be considered involve the Federal Debt Collection Act and outstanding recommendations from GAO.

Documents Issued

Bill H.R. 2185, "USDA Accountability and Equity Act," introduced July 17, 1997. USDA 1998 Legislative Program.

Responsibility Delegated To

Agency Head, FSA

Recommendation 32

Allow completion of lease back/buy back agreements extended for lack of funds during the 3 years previous to elimination of the program on April 4, 1996, where the farm and home plan did show that the operation would cash-flow.

Action Taken

Legislative language to implement this recommendation has been incorporated into H.R. 2185. It would provide authority for the Secretary to finance a farm operating loan (to the extent practical, at the same terms as farm ownership loans) for individuals who had a lease back/buy back agreement during fiscal years 1994-1996; had applied in a timely manner for a farm ownership loan during fiscal years 1994-1996; have been denied financing due to lack of funds; and can demonstrate that the farm will generate sufficient income to repay the loan. The legislation would also authorize \$10 million in fiscal years 1998 and 1999 for this loan program.

Additional language has also been drafted as part of the USDA 1998 Legislative Program which would implement the civil rights initiatives.

Documents Issued

Bill H.R. 2185, "USDA Accountability and Equity Act," introduced July 17, 1997.
USDA 1998 Legislative Program.

Responsibility Delegated To

Agency Head, FSA

Recommendation 33

Allow incorporation of anticipated tax liability in the terms of debt write-downs.

Action Taken

An FSA procedural notice, issued on May 28, 1997, provides guidelines on how to consider the tax liability for debt write-down. A teleconference was held with all FSA State Executive Directors on June 26 to emphasize the importance of the procedure for considering tax liability when calculating debt restructure. State Executive Directors reported to Washington Headquarters for meetings to discuss FSA Notice FC-119.

Legislative language in H.R. 2185 proposes to amend the Consolidated Farm and Rural Development Act so the debt write-down would not be considered as income for tax purposes.

Additional language has also been drafted as part of the USDA 1998 legislative program.

Documents Issued

Bill H.R. 2185, "USDA Accountability and Equity Act," introduced July 17, 1997.
USDA 1998 Legislative Program.
FSA Notice FC-119, "Income Tax Liability Resulting from Debt Write-Down," May 28, 1997.

Responsibility Delegated To

Agency Head, FSA

Recommendation 34

Allow eligibility for 502 single-family housing program direct loans without a credit history if applicants can demonstrate they have been able to live independently and pay rent and utility bills in a timely manner.

Action Taken

Changes have been made to the Direct Single Family Housing Field Office Handbook (HB-1-3550) to ensure that applicants have every opportunity to provide RHS with documentation of an acceptable credit history; especially where no credit history may appear on a credit report. Enhancements were

made to several areas of the Direct Single Family Housing Field Office Handbook that provide useful reminders, examples and clear policy statements to ensure that a customer's full credit history is taken into consideration when determining their ability to repay a single-family housing loan. These changes were effective on May 19, 1997, and revised Handbook pages were issued to all RD staff on a Procedural Notice on the same date.

Implementing this recommendation means that more limited-resource customers will be eligible for rural housing loans. Applicants previously denied loans because of lack of credit history will now have an opportunity to participate in the home ownership program.

Documents Issued

RD Procedural Notice HB-1-3550, May 19, 1997.

Responsibility Delegated To

Under Secretary, RD Agency Head, RHS

Recommendation 35

Allow EQIP cost-share payments in the same year conservation practices are completed.

Action Taken

H. R. 2185 contains legislative language to implement this recommendation. Additional language to accomplish this recommendation is also part of the Secretary's 1998 legislative program.

Documents Issued

Bill H.R. 2185, "USDA Accountability and Equity Act," introduced July 17, 1997. USDA 1998 Legislative Program.

Responsibility Delegated To

Under Secretary, NRE Agency Head, NRCS

Appoint a diverse commission to develop a national policy on small farms.

Action Taken

On July 16, 1997, the Secretary established a National Commission on Small Farms to develop a national strategy for small farms and ranches. The 30-member commission held four national public hearings in selected locations (Memphis, TN; Sioux Falls, SD; Washington, DC; and Sacramento, CA) around the country, and three additional regional hearings. Based on the public hearings, four subcommittees (Credit, Marketing, Environment, and Research and Education) met to formulate recommendations for incorporation into a report to the Secretary. The Commission presented its report to the Secretary on January 22, 1998. The Secretary appointed the Deputy Secretary as chair of a USDA taskforce to implement and institutionalize the Commission's recommendations through existing and, if necessary, new programs.

Documents Issued

Department Regulation 1043-43, "National Commission on Small Farms Charter," July 9, 1997.

A Time to Act: A Report of the USDA National Commission on Small Farms, January 1998.

Responsibility Delegated To

OSEC

Recommendation 37

Establish an Office of Outreach in a program mission area to coordinate program delivery outreach efforts throughout USDA. Assign responsibility for Outreach and Technical Assistance to Socially Disadvantaged Farmers (2501 program) to this new office to assure Department-wide implementation.

Action Taken

Secretary's Memorandum 1020-48, dated August 22, 1997, established a Departmental Office of Outreach in the Office of the Assistant Secretary for Administration. A Director for the Office of Outreach was appointed in January 1998, and the Outreach and Technical Assistance to Socially Disadvantaged Farmers (2501) program, along with eight existing positions, was subsequently transferred from NRCS to the Office. Now operational, the Office has responsibility and oversight for coordinating outreach throughout all USDA agencies and programs. Locating the Office of Outreach under the ASA initially gives it the visibility and stature needed to send a strong signal of USDA's commitment to strengthening outreach to all under-served customers.

Documents Issued

Secretary's Memorandum 1020-48, "Establishment of the Office of Outreach," August 22, 1997.

Responsibility Delegated To

Assistant Secretary for Administration Director, Office of Outreach

Recommendation 38

Develop a strategic outreach plan, as part of USDA's strategic plan, for which Agency Heads will be held accountable through the civil rights performance standard.

Action Taken

A new Departmental strategic outreach plan for fiscal years 1997-2002 will be incorporated into USDA's Strategic Plan. In turn, Subcabinet officials will incorporate the goals and objectives of the plan into the outreach components of agency plans. The impact of implementing this recommendation is to provide a common vision and outreach objectives under which all USDA agencies will operate.

Documents Issued

"Strategic Outreach Plan 1997-2002" (in process).

Responsibility Delegated To

Director, Office of Outreach

Recommendation 39

Establish in each agency an outreach liaison position to coordinate and direct outreach programs in conjunction with the new Office of Outreach. The agency coordinator must be responsible for monitoring outreach goals and accomplishments to under-served customers.

Action Taken

A Secretary's Memorandum (in process) will require Agency Heads to establish an outreach coordinator position to direct outreach programs in conjunction with the new Office of Outreach. These liaisons will also coordinate with National and State Outreach Councils.

Documents Issued

Secretary's Memorandum (in process).

Responsibility Delegated To

Director, Office of Outreach Chair, NFAC

Establish State and National Outreach Councils, comparable to the USDA Food and Agriculture Council (FAC), to coordinate outreach efforts of all USDA agencies with State and local-level program delivery. Require that the Outreach Councils establish partnerships with community-based organizations and 1890, 1994, and 1862 land-grant institutions, HACU, and the Research and Employment Access Programs Initiative to enhance program and service delivery to under-served customers.

Action Taken

A Secretary's Memorandum (in process) will establish National and State Outreach Councils to assist the work of the Food and Agriculture Councils (NFAC and SFACs). The Outreach Councils will meet at least quarterly to provide the FACs with information about the outreach and program needs of socially disadvantaged groups.

Documents Issued

Secretary's Memorandum (in process).

Responsibility Delegated To

Director, Office of Outreach Chairs, NFAC, SFACs

Recommendation 41

Establish a partnership between USDA and the Department of the Interior to develop a strategic outreach plan to address the needs of American Indian agriculture and land conservation.

Action Taken

A Reaffirmation of an Agreement in Principle between USDA and the Department of the Interior has been prepared to set up a joint task force with tribal governments. The task force will develop a USDA strategic outreach plan for identifying and addressing the agriculture and land conservation needs of American Indians. The National FAC will help develop the plan.

Documents Issued

Reaffirmation of Agreement in Principle between USDA and Department of the Interior (in process).

Responsibility Delegated To

Director, Office of Outreach

Require land-grant institutions and major CSREES, ARS, ERS, FS, and NRCS programs to identify and give priority to the research and educational needs of the socially disadvantaged.

Action Taken

Several actions will ensure that USDA agencies make the research, education and technical assistance needs of under-served customers a priority. The Secretary will direct Agency Heads of USDA research, educational, technical assistance agencies to designate research and education liaisons, while the Under Secretary for REE will ask chief officials at land-grant institutions to do the same. These liaisons will work internally and externally to identify and address the research and education needs of the socially disadvantaged. The Secretary also will direct the REE mission area and the Office of Outreach to sponsor an annual conference to foster a dialogue on the research, educational, and technical assistance needs of socially disadvantaged and limited-resource customers and improve the comparative advantage of land-grant institutions in assisting USDA to carry out its mission.

Documents Issued

Secretary's Memorandum to Agency Heads to appoint research and education liaisons (in process).

Secretary's Memorandum to Under Secretary, REE to establish annual conference (in process).

ASA Memorandum to Under Secretary, REE about liaisons at land-grant institutions (in process).

Responsibility Delegated To

Under Secretary, REE Director, Office of Outreach

Recommendation 43

USDA should thoroughly examine funding of institutions of higher education to determine if 1890 and 1994 land-grant institutions are receiving equitable support to assist USDA in carrying out its mission. The Department should adjust its budget recommendations and consider other statutory or regulatory changes required to eliminate any disparate funding of land-grant institutions.

Action Taken

As part of the Administration's reauthorization of the research and education title of the 1996 Farm Bill, legislative amendments were incorporated into title 8 of either or both the Senate and House bills. If passed, one amendment would increase resources available to the 1890 institutions through non-Federal matching requirements for formula funds (Evans-Allen research and 1890 Extension funds), with the match phased in over a 4-year period.

Related legislation would assure that the 1890 institutions are not penalized for failure to meet their match.

A second amendment would extend eligibility to the 1890 and 1994 institutions to participate in noncompetitive 3 (d) programs. It also extends eligibility to all accredited colleges and universities, including Hispanic-serving institutions, to apply for competitive 3 (d) programs. Other legislation would benefit the 1994 land-grant institutions by increasing funding for their extension programs and by authorizing appropriations for research at these institutions. These actions will strengthen USDA's ties and provide more equitable funding to the minority-serving land-grant institutions.

Documents Issued

Legislative language in House and Senate bills to reauthorize Title 8 of the Federal Agriculture Improvement and Reform (FAIR) Act of 1996.

Responsibility Delegated To

Agency Head, CSREES

Recommendation 44

Fully fund the Outreach and Technical Assistance to Socially Disadvantaged Farmers (2501) program at \$10 million annually.

Action Taken

H. R. 2185 contains legislative language to implement this recommendation. The USDA Fiscal Year 1999 Budget includes proposed funding for this recommendation.

Documents Issued

Bill H.R. 2185, "USDA Accountability and Equity Act," introduced July 17, 1997.
USDA Fiscal Year 1999 Budget

Responsibility Delegated To

Director, Office of Outreach

Recommendation 45

Extend and fully fund the Extension Indian Reservation program at \$8 million annually.

Action Taken

H. R. 2185 contains legislative language to implement this recommendation. The USDA Fiscal Year 1999 Budget includes proposed funding for this recommendation.

Documents Issued

Bill H.R. 2185, "USDA Accountability and Equity Act," introduced July 17, 1997. USDA Fiscal Year 1999 Budget.

Responsibility Delegated To

Agency Head, CSREES

Recommendation 46

Increase EQIP funding from \$200 million to \$300 million and target the increase for assistance to minority and limited-resource farmers, ranchers, and Indian nations.

Action Taken

Legislative language to implement the recommendation appears in H.R. 2185. The Fiscal Year 1999 Budget includes proposed funding for this recommendation.

Documents Issued

Bill H.R. 2185, "USDA Accountability and Equity Act," introduced July 17, 1997. USDA Fiscal Year 1999 Budget.

Responsibility Delegated To

Agency Head, NRCS

Recommendation 47

Fully fund the farm ownership and farm operating loan programs at \$85 million and \$500 million, respectively.

Action Taken

The legislative language to implement this recommendation has been incorporated into H. R. 2185.

The USDA Fiscal Year 1999 Budget includes proposed funding for this recommendation.

Documents Issued

Bill H.R. 2185, "USDA Accountability and Equity Act," introduced July 17, 1997. USDA Fiscal Year 1999 Budget.

Responsibility Delegated To

Agency Head, FSA

Require that a higher percentage of farm ownership and farm operating direct loan funding be targeted to minorities and socially disadvantaged groups.

Action Taken

Legislative language was drafted for inclusion in the USDA 1998 Legislative Program to amend existing legislation to ensure program resources, at a minimum, will be expended to reflect the diversity of population of the specific State or county. This change will allow management the flexibility of targeting additional resources, since the legislation will not specify either the actual percentage or the methodology for determining the rate.

Documents Issued

USDA 1998 Legislative Program.

Responsibility Delegated To

Agency Head, FSA

Recommendation 49

Dedicate one-third of the Fund for Rural America to serving the needs of socially disadvantaged customers.

Action Taken

A proposal has been transmitted to the Secretary to use one-third of the Fund for Rural America for "Resources 2000," a 2-year campaign to reach and meet the needs of rural, socially disadvantaged communities and the people who live there. The main thrust of "Resources 2000" is to reach and make a difference in a set of specially selected communities that are the "poorest of the poor."

Documents Issued

"Resources 2000 Proposal" (in review).

Responsibility Delegated To

Under Secretary, REE Under Secretary, RD Director, Office of Outreach

Target \$100 million annually from Rural Utilities Service Water and Waste Disposal Grant Program to Federally recognized Indian tribes.

Action Taken

A funding proposal in the Fiscal Year 1999 Budget targets up to \$100 million of the total appropriated funds to Federally recognized Indian tribes. Implementing this recommendation will help improve water quality and sanitation facilities on Indian reservations.

Documents Issued

USDA Fiscal Year 1999 Budget

Responsibility Delegated To

Agency Head, RUS

Recommendation 51

Target \$50 million of RHS funds annually for the Farmworker Housing Program.

Action Taken

A funding proposal in the Fiscal Year 1999 Budget targets up to \$50 million for farmworker housing. Implementing this recommendation will increase and direct funds and programs to socially disadvantaged groups and communities

Documents Issued

USDA Fiscal Year 1999 Budget

Responsibility Delegated To

Agency Head, RHS

Recommendation 52

Require consideration of under-served communities in USDA Service Center location decisions.

Action Taken

At the direction of ASA, the NFAC has issued a memorandum to the SFACs directing them to revise their USDA Service Center implementation plans to reflect the needs of under-served communities in Service Center location decisions. General guidelines have been established as criteria to identify under-served communities. The SFACs submitted short-term plans to NFAC, which has sent responses back to help the SFACs prepare 5-year plans due April 1, 1998. The NFAC will monitor the implementation of the memorandum and its guidelines.

Documents Issued

ASA Memorandum to Chair, NFAC, "Establishment of USDA Service Centers in Historically Under-served Communities," September 22, 1997. NFAC Memorandum, "Establishment of USDA Service Centers in Historically Under-served Communities," October 7, 1997.

Responsibility Delegated To

Director, Office of Outreach Chair, NFAC

Recommendation 53

Establish satellite offices where necessary to reach under-served customers.

Action Taken

The NFAC has issued guidelines for SFACs to use in establishing offices where needed to reach under-served communities.

Documents Issued

See Recommendation 52.

Responsibility Delegated To

Director, Office of Outreach Chair, NFAC

Recommendation 54

Establish full-time USDA Service Centers on Tribal lands.

Action Taken

The NFAC has issued a memorandum to the State FACs to establish and evaluate full-time USDA Service Centers on Tribal lands. An on-going consultative process will be used with the American Indian tribes to help determine Service Center locations on Tribal lands. NFAC will monitor the SFACs' implementation plans.

Documents Issued

See Recommendation 52.

Responsibility Delegated To

Director, Office of Outreach Chair, NFAC

Ensure that all USDA Service Centers are accessible to people with disabilities.

Action Taken

USDA agencies have been directed to complete a self-evaluation to determine the degree to which USDA Service Center programs are in compliance with guidelines issued by the DOJ. The Departmental Notice also instructs those agencies not in compliance to bring their programs into compliance. CR will monitor those agencies that are not in compliance. Criteria for recognizing outstanding efforts have been included in determining USDA's Honor Awards.

Documents Issued

ASA Memorandum to Director, CR, "USDA Service Center Accessibility and Agency Self-Evaluation Compliance," December 12, 1997.

Departmental Notice 4300-1, "USDA Self-Evaluation," December 5, 1997.

Departmental Regulation, "Honor Awards Criteria," February 27, 1998.

Responsibility Delegated To

Director, CR Chair, NFAC

Recommendation 56

Streamline program regulations and application forms to make USDA programs more easily accessible to all customers. Require USDA county offices to assist socially disadvantaged customers in understanding requirements and completing forms.

Action Taken

Guidelines have been drafted to streamline NRCS, RD, and FSA program regulations and application forms. Subsequently, the Secretary directed the NFAC to establish a Paperwork Reduction Act Team to reduce the paperwork burden on farmers. This Team's plan is very consistent with the CRIT effort. The second half of this recommendation is implemented through actions taken under recommendations 57 and 58 that provide customer service training to county office employees and under recommendation 59 that addresses communicating with under-served communities.

Documents Issued

ASA Memorandum to the Chair, NFAC, "Status of Streamlining Efforts," December 5, 1997.

Responsibility Delegated To

Agency Head, FSA Agency Head, NRCS Agency Head, RHS

Strengthen the training program for FSA county committees and county office staff on all programs, with special emphasis on civil rights issues and outreach responsibilities.

Action Taken

In addition to developing a standardized civil rights training curriculum for USDA (as specified under recommendation 68) and meeting the specific requirements of recommendations 57 and 58, the Program Outreach and Delivery (Title VI) course is being developed. This will be delivered to the target audience — FSA county committees and county office staff, and all Service Center employees. A Design Team is currently designing and developing the course. Kentucky State University, Center for Diversity, is developing the diversity module for this course. It is scheduled to be ready in April 1998.

Documents Issued

Departmental Regulation "Annual Departmental Civil Rights Training" (in clearance).

Responsibility Delegated To

Director, CR

Recommendation 58

Provide and document Title VI training for all volunteers and new field, State, and Service Center employees on an annual basis.

Action Taken

In addition to developing a standardized civil rights training curriculum for USDA (as specified under recommendation 68) and meeting the specific requirements of recommendations 57 and 58, the Program Outreach and Delivery (Title VI) course is being developed. This will be delivered to the target audience — FSA county committees and county office staff, and all Service Center employees. A Design Team is currently designing and developing the course. Kentucky State University Center for Diversity is developing the diversity module for this course. It is scheduled to be ready in April 1998.

Documents Issued

See Recommendation 57.

Responsibility Delegated To

Director, CR

Make all USDA educational and technical assistance services and publications available to customers in languages appropriate to the community being served. Use appropriate media outlets to distribute information to under-served communities.

Action Taken

A USDA regulation has been issued that requires Agency Heads to develop and implement communications plans that serve diverse and special-needs audiences. *Unlocking the Barriers: Keys to Communicating with Under-Served Customers*, a new field communications guide, was published in March 1998 to help agencies and field staff in working with diverse and special-needs communities.

Documents Issued

Departmental Regulation 4360-1, "Under-Served Communities," January 14, 1998.

Unlocking the Barriers: Keys to Communicating With Under-Served Customers, March, 1998.

Responsibility Delegated To

Director, Office of Outreach

Recommendation 60

Establish the initiative to address the needs of farmworkers that could be addressed through USDA programs.

Action Taken

The Secretary initiated meetings between USDA and representatives from the Department of Labor to discuss joint sponsorship of listening sessions on farmworker issues. A list of panel members, farm workers' groups, and others to invite to the sessions was developed. A decision was made to postpone listening sessions until 1998 to have more participation from farmworkers during their slow seasons. However, USDA held meetings with some farmworker groups to gather information for a USDA initiative to address the needs of farmworkers. This information was submitted to the National Commission on Small Farms and was included in the recommendations in its report. To continue addressing the needs of farm-workers, a farmworker's coordinator position has been established in the Office of Outreach and will be filled soon.

Several budget requests not included in H.R. 2185 were submitted to Agency Heads for future consideration. These include: the Disaster Assistance Program under Section 281 of the 1990 Farm Bill and the pesticide and farm safety extension and research programs through CSREES.

Documents Issued

None

Responsibility Delegated To

OSEC

Recommendation 61

Enforce the requirement that those who use "restrictive-use pesticides" keep records of the application of their products.

Action Taken

To implement this recommendation, the ASA has requested that:

- AMS and CSREES expand the compliance program for the Federal pesticide record keeping and educational programs;
- The Agency Head of CSREES increase the agency budget by \$2 million to provide sufficient resources to the land-grant system to educate farm workers, farmers, and pesticide applicators on the safe use of pesticides and record keeping; and
- The Secretary conduct joint Environmental Protection Agency and USDA meetings to discuss farmworkers, pesticide safety, and health issues.

Documents Issued

ASA Memorandum to Agency Heads, AMS and CSREES, "Pesticide Use Record Keeping" (in process).

Responsibility Delegated To

Agency Head, CSREES Agency Head, AMS

Recommendation 62

Immediately provide pesticide information to health care providers treating pesticide-related illnesses.

Action Taken

An ASA memorandum requested CSREES to increase its budget by \$3.5 million, including a maintenance cost of \$1.75 million to update the Extension Toxicology Network (EXTOXNET) database to provide training to health care providers on pesticide. The Agency Head will be responsible for requesting the funds needed for this effort. Also, a memorandum from ASA directs the Agency Head, CSREES, to develop a health provider partnership with the American Medical Association (AMA).

Documents Issued

ASA Memorandum to Agency Head, CSREES, "Partnership with AMA" (in process).

Responsibility Delegated To

Agency Head, CSREES

Recommendation 63

Require USDA to use this information to prepare comprehensive annual pesticide use reports, as mandated in the 1990 and 1996 farm legislation.

Action Taken

Legislative language to implement this recommendation has been incorporated into H.R. 2185. It seeks to increase the NASS budget by \$2 million to enhance future pesticide use surveys. An ASA memorandum to the Agency Head. NASS, asks the agency to prepare comprehensive annual use pesticide reports. The Fiscal Year 1999 Budget includes proposed funding to implement the recommendation.

Documents Issued

Memorandum from ASA to Agency Head, NASS, "Pesticide Use Report" (in process).

USDA Fiscal Year 1999 Budget.

Responsibility Delegated To

Agency Head, NASS

Recommendation 64

Enforce the Environmental Justice Executive Order at USDA.

Action Taken

Departmental Regulation 5600-2 provides for the integration of environmental justice considerations into USDA programs and activities in accordance with Executive Order 12898. The Under Secretary for NRE is responsible for ensuring mission area and agency accountability for implementing this regulation.

The principal goal is to identify, prevent, and/or mitigate, to the greatest extent practicable, disproportionately high and adverse human health or environmental effects of USDA programs and activities on minority and low-income populations. All mission areas and agencies are subject to DR 5600-2, without exception. All agencies have an environmental justice responsibility in addition to any National Environmental Policy Act (NEPA) compliance requirements they are obligated to meet.

Implementation of the environmental justice regulation is also intended to provide greater opportunity for minority and low-income populations to participate in planning, analysis, and decision making that affects their health and environment. USDA outreach and willingness to objectively examine and

modify programs and activities in relation to effects on and participation of low-income and minority populations are key components of the implementation process.

The Departmental Regulation closely follows the requirements of the Executive Order and the President's Memorandum to agencies on environmental justice. It will require that all mission areas and agencies consider the impact of their program and activities, regardless of whether they are subject to NEPA or not, and to mitigate wherever possible their adverse effects on their health and environment.

The regulation will also require a steering committee that will be composed of each of the Assistant and Under Secretaries on environmental justice implementation at USDA. Agency Heads will be required to name an Environmental Justice Coordinator, devise an environmental justice integration strategy, and ensure that they incorporated consideration of environmental justice into their planning and decision making. The Departmental Regulation also provides basic guidance to the agencies on how to identify environmental justice issues and how to address them in their decision making, including how to address environmental justice in the NEPA process.

Documents Issued

Departmental Regulation 5600-2, "Environmental Justice," December 15, 1997.
"Guidance for Incorporating Environmental Justice into USDA Agency

"Guidance for Incorporating Environmental Justice into USDA Agency NEPA Procedures," January 15, 1998.

Responsibility Delegated To

Under Secretary, NRE

Recommendation 65

Reassert the commitment of USDA to the goal of increasing involvement of small and disadvantaged businesses in USDA programs.

Action Taken

Agency Heads now have performance standards that hold them accountable for their agency's civil rights efforts to increase small and minority-owned business participation in USDA programs. Agency Strategic Plans also now require them to support this goal. A Departmental Regulation was issued on November 13, 1997, to establish a clear process to identify greater opportunities for small business set-asides. In July 1997, the *Small Business Subcontracting Plan Evaluation Handbook* was developed by OSDBU as a comprehensive handbook to be used as a tool by USDA contracting personnel to ensure uniform administration of subcontracting regulations.

Three pilot initiatives are in process: A Memorandum of Understanding with the Small Business Administration to remove barriers to contracting with small and minority businesses; a Memorandum of Understanding with the Small Business Administration to ensure that large business contractors to

USDA with contracts of \$500,000 or greater comply with Federal subcontracting regulations; and a waiver to USDA's purchasing rules to remove barriers to small and minority firms to participate in USDA's Food Commodity Acquisition Program.

In addition, a regulation is in process to define USDA's responsibilities and procedures to increase purchases and contracting opportunities for small, disadvantaged, and women-owned small businesses.

Documents Issued

Departmental Regulation 5090-1, "Clearance Process for Small Business Setaside and Use 8 (a) Program," November 13, 1997.

Small Business Subcontracting Plan Evaluation Handbook, July 1997.

Departmental Regulation to increase purchases and contract opportunities

Responsibility Delegated To

Director, OSDBU

(in process).

Recommendation 66

Review all SES designations, beginning with FSA, to determine if positions are appropriately designated as career-reserved or general.

Action Taken

A review of designations for all occupied and allocated vacant SES positions in USDA has been completed. Results are being prepared for follow-up discussions with Under and Assistant Secretaries and Agency Heads.

Documents Issued

Listing of SES position designations in USDA, July 1997.

Responsibility Delegated To

Director, HRM

Recommendation 67

Hold all managers accountable for a diverse pool of applicants for all vacancy announcements and target outreach and recruitment of underrepresented groups as identified in the agency Affirmative Employment Plans (AEPs).

Action Taken

The recommendation addressed and completed the Affirmative Employment and Recruitment Program (AERP); Personnel Bulletin 330-4 titled "Core Competencies for Agency Recruiters and Outreach Representatives"; and Personnel Bulletin 335-1 titled "Recruitment and Advertisement of Multi-Grade Positions."

The AERP regulations integrate equal opportunity recruitment and all affirmative employment programs; reemphasize equal opportunity outreach, recruitment, and affirmative employment requirements by cross-referencing with new HRM requirements; and hold managers and supervisors accountable through the performance appraisal system. Under the regulations, Agency Heads shall develop and submit 5-year AERP plans to CR. CR will be responsible for ensuring implementation of AERP plans by semi-annual progress reports, compliance checks, and other tracking and reporting strategies.

Personnel Bulletin 330-4 identifies two levels of required competencies: a basic level for those who recruit infrequently and a higher level for those who recruit on a recurring basis. It also requires agencies to certify that recruiters and outreach representatives meet core competencies. It also permits USDA's HRM to evaluate agencies' compliance practices. Recruiters and outreach representatives are scheduled to be certified by August 25, 1998. The Bulletin was distributed to Agency Heads and Departmental Personnel Manual holders in October 1997. HRM will establish standards for the new Agency Recruiter Training Program as soon as possible. Agency Heads are responsible for training and certifying current recruiters and outreach representatives by August 25, 1998, and continue to evaluate the agencies' compliance throughout the program.

Personnel Bulletin 335-1, issued August 14, 1997, requires agencies to provide consistent information on career ladders to all applicants; ensures those job openings are advertised in multi-grade increments; and requires career ladders to be published in an agency's Merit Promotion Plan that cannot change for 1 year. After distribution, HRM will evaluate the agencies' compliance with this bulletin periodically.

Documents Issued

Departmental Regulation, "Affirmative Employment and Recruitment Program" (in process).

Personnel Bulletin 335-1, "Recruitment, Advertisement and Outreach for Multi-Grade Positions," August 14, 1997.

Personnel Bulletin 330-4, "Core Competencies for Agency Recruiters and Outreach Representatives," October 14, 1997.

Responsibility Delegated To

Director, CR

Recommendation 68

Require all USDA employees to have annual civil rights training.

Action Taken

A Departmental Regulation (in clearance) on annual civil rights training has these provisions:

Required annual civil rights training for all career and non-career USDA employees, including political appointees, that covers a full range of civil

rights concerns, including Sensitivity and Diversity, Civil Rights/EEO Laws and Regulations, Program Outreach and Delivery, Complaint Process, Sexual Harassment, and Special Emphasis Programs; all agency management and supervisory training and orientation programs must include a civil rights module; and the training will be evaluated to measure its effectiveness.

The first annual training module, "Introduction to Civil Rights," was developed and employees began receiving the training on January 15, 1998. All agencies are required to complete the training by September 30, 1998. This course addresses sensitivity and diversity and EEO laws and regulations. Outlines for the remaining modules have been developed and forwarded to CR for planning purposes for the second year of the implementation of the training program.

Documents Issued

Departmental Regulation "Annual Departmental Civil Rights Training" (in clearance).

Responsibility Delegated To

Director, CR

Recommendation 69

Publicize and recognize those managers and agencies that have made significant accomplishments in workforce diversity.

Action Taken

A team revised the criteria for the Secretary's Award for Equal Opportunity. To ensure that the revised criteria were incorporated into the 1998 Honor Awards instructions and guidelines, the Director, HRM, sent a memorandum on October 6, 1997, to Subcabinet Officials, Management Council Members, Agency Heads, Mission Area Personnel Officers, and Employee Recognition Program Coordinators. Nominations using the new criteria were received December 5, 1997. A Departmental Regulation institutionalizes the new Honor Awards criteria.

The Director, HRM, is responsible for the announcement of the award, receipt of nominations, and issuing instructions to agencies and employees.

Documents Issued

Memorandum from Director, HRM, "Revised Criteria for the Secretary's Honor Awards Program," October 16, 1997.

Departmental Regulation, "Honor Awards Criteria," February 27, 1998.

Responsibility Delegated To

Director, HRM

Direct the Forest Service to end the use of surplus lists.

Action Taken

On June 11, 1997, the ASA directed the NRE Under Secretary to:

- Suspend directed reassignments of employees identified as "surplus" under the FS Employee Placement System (EPS);
- Have FS propose to the National Federation of Federal Employees (NFFE) that they reopen their collective bargaining agreement provisions which are the basis for the EPS; and
- Analyze the current EPS in terms of the effect on diversity and its relationship to complaints and representational activities.

FS suspended directed reassignments on June 16, 1997, began negotiations with NFFE, and has completed the requested analysis.

Documents Issued

ASA Memorandum to Under Secretary, NRE, "Use of Surplus Lists," June 11, 1997.

Responsibility Delegated To

Director, HRM

Recommendation 71

Evaluate the role and function of the Special Emphasis Program Managers (SEPM) in accomplishing USDA's civil rights goals and objectives. The valuable resources dedicated to support SEPM could be used more effectively. Presently, they are limited to the annual Special Emphasis activities as their primary function.

Action Taken

The role of Special Emphasis Program Managers was evaluated and changed to revise their role as desk officers. These changes were incorporated in the 1010 package to reorganize the Office of Civil Rights. The division is now known as the Agency Support and Special Emphasis Division.

CR determined that Special Emphasis would take the lead role in coordinating Department-wide civil rights training. Having Special Emphasis Program Managers serve as desk officers will ensure that the SEPMs are intimately familiar with the respective mission area and agency workforces.

Documents Issued

None

Responsibility Delegated To

Director, CR

Develop and implement retention programs to ensure a diverse workforce.

Action Taken

This recommendation was implemented in August 1997 when Personnel Bulletin 250-3, "Work Life Survey Guidelines," and Personnel Bulletin 250-4, "Agency/Department Exit Interview Guidelines," were issued. Personnel Bulletin 250-3 requires agencies to conduct periodic work life surveys aimed at assessing conditions in the workplace and identifying problems. Agencies must report results to the HRM. It was distributed to Agency Heads and Departmental manual holders in October 1997. HRM is working with an approved contractor and Agency Heads to develop, validate, and distribute a standard Work Life Survey for all USDA employees. Also, HRM will evaluate agencies' compliance with this bulletin periodically.

Personnel Bulletin 250-4 requires agencies to provide a standard questionnaire to permanent full-time employees who are separating from the agency or the Department. The questionnaires will be designed to alert management to concerns within the workforce and to take the appropriate action to correct problems. It was distributed to Agency Heads and Departmental manual holders in September 1997. Agency Heads will implement exit interviews and report findings to HRM.

Documents Issued

Personnel Bulletin 250-3, "Work Life Survey Guidelines," October 17, 1997. Personnel Bulletin 250-4, "Agency/Department Exit Interview Guidelines," September 4, 1997.

Responsibility Delegated To

Director, HRM

Recommendation 73

To substantially reduce the backlog of EEO complaints, offer mediation, arbitration, or similar alternative dispute resolution (ADR) processes to employees who filed a formal EEO complaint before January 1, 1997. The use of ADR shall be the employee's choice; however, binding arbitration will be used only if agreed to by both the employee and management.

Action Taken

Of the 2,091 employee complaints in the backlog, as of November 1, 1997, 905 had been closed.

A new policy is under review that establishes that all EEO resolution agreements have terms that relate to the nature of the complaints, address causal factors, are conducive to timely implementation, and have implementation timeframes.

USDA's Forest Service used an innovative new approach under a joint initiative with the Acting ASA to solve its backlog of employee complaints. Individuals who filed complaints before April 1, 1997, were offered outside professional mediation. If complaints were not settled during mediation, where appropriate, they were given best and final offers based on a review of facts and law by independent experts. This initiative was intended to reduce the backlog while USDA's process for new complaints is streamlined and speeded up. As of February 25, approximately two-thirds of the complaints in mediation were resolved. The team is preparing a final report on the initiative. The FS project can serve as a model for other USDA agencies.

All unresolved cases will continue in the EEO process. CR has developed a new plan to either close or send to EEOC hearings all cases remaining in the backlog by July 1, 1998.

Documents Issued

None

Responsibility Delegated To

Director, CR

Recommendation 74

All EEO resolution agreements shall have terms that (1) relate to the nature of the complaint; (2) address causal factors; (3) are conducive to timely implementation; and (4) contain implementation timeframes. To ensure accountability, "no fault" settlements shall be used only in cases where all parties to the dispute agree that it is appropriate.

Action Taken

CR is issuing a new policy and guidelines on EEO settlement agreements. The USDA policy holds Agency Heads accountable for full and timely implementation of EEO settlements, and directs them to empower their civil rights directors to intervene and sign agreements on behalf of the agency when necessary. The policy further directs that "no fault" agreements shall not be used to shield acts of discrimination, and holds Agency Heads accountable for vigorously addressing misconduct and discrimination by their managers.

Documents Issued

Memorandum from the ASA and Director, CR, "USDA's EEO Settlement Agreement Policy and Guidelines" (in process).

Responsibility Delegated To

Director, CR

Recommendation 75.

To ensure an effective and timely EEO complaints process on a permanent basis, conduct an independent review of USDA's existing EEO system, assess the areas of deficiency, and redesign or repair the system. Action Taken

An analysis of the EEO complaints process, led by an independent contractor that specializes in process reengineering, began in July 1997 and was completed in September 1997. A diverse USDA team worked with the contractor to develop recommendations to improve the EEO process. The team issued specific recommendations to repair the system.

Documents Issued

EEO Complaint Process Redesign Project Process Model (in review).

Responsibility Delegated To

Director, CR

Recommendation 76

Initiate a continuing and coordinated USDA-wide workforce planning and recruitment process.

Action Taken

Personnel Bulletin 250-1, "Workforce Planning Policy," which became effective October 14, 1997, requires agencies to coordinate strategic planning, recruitment efforts, affirmative employment program plans, and other strategies to ensure a highly skilled and diverse workforce. Agency Heads were required to submit annual Workforce Plans to HRM by January 21, 1998. HRM will evaluate agencies' compliance with this bulletin annually.

Personnel Bulletin 250-2, "Human Resources Management Evaluation Program," which was distributed to Agency Heads and Departmental Manual Holders in August 1997, requires agencies to review workforce plans and human resources management programs to emphasize responsibility and accountability, and ensure that diversity is an integral part of the Department's workforce and programs. HRM will establish a new personnel staff to oversee these functions by March 16, 1998.

Documents Issued

Personnel Bulletin 250-1, "Workforce Planning Policy," October 10, 1997. Personnel Bulletin 250-2, "Human Resources Management Evaluation Program," August 20, 1997.

Responsibility Delegated To

Director, HRM

The Secretary should be more involved in the management and selection of the SES cadre within USDA.

Action Taken

USDA opened its Senior Executive Candidate Development Program (SESCDP) in the fall of 1997—for the first time in 2 years. Nearly 400 eligible applications were submitted. Fifty applicants will be selected in early 1998 for the program.

A Secretary's Policy Memorandum is in the final review process. It addresses the main issues of this recommendation, including requiring consideration of SESCDP graduates prior to issuing a SES vacancy announcement; when appropriate, soliciting employee interest for temporary developmental assignments; and involving the Directors of Civil Rights in the recruitment process for SES vacancies within their agencies.

Documents Issued

Secretary's Policy Memorandum, "Policy on SES Staffing" (in process).

Responsibility Delegated To

Director, HRM

Recommendation 78

Consolidate the Department's civil rights functions under one Office of Civil Rights that reports directly to the ASA. Immediately fill the top position in that office with a career SES individual with demonstrated skills in civil rights management, communications and outreach, partnership building with other USDA agencies, and leadership.

Action Taken

In March 1997, the Civil Rights Offices under the Office of Operations and all the offices under the Policy Analysis and Coordination Center — Civil Rights were consolidated under the Office of Civil Rights. On March 31, 1997, the Acting ASA named a career senior executive as Director of Civil Rights. On May 16, 1997, Secretary's Memorandum 1010-4 was issued which officially authorized the restructuring of Departmental Administration. This action included establishing an Office of Civil Rights headed by a Director who would report to the Assistant Secretary for Administration and supervise the performance of all civil rights functions assigned to the Assistant Secretary.

Consolidating the Department's civil rights functions, and hiring a career SES Civil Rights Director, will bring stability and leadership to the Department's civil rights efforts.

Documents Issued

Secretary's Memorandum 1010-4, "Restructuring Departmental Administration," May 16, 1997.

Responsibility Delegated To

Director, CR

Recommendation 79

Organize the new USDA civil rights office with separate employment and program civil rights components that report under separate lines of supervision.

Action Taken

This recommendation was implemented in conjunction with recommendation 83.

In March 1997, the civil rights offices under the Office of Operations and all the offices under the Policy Analysis and Coordination Center - Civil Rights, were consolidated under the Office of Civil Rights with separate components for employment and program civil rights. New functional statements, organizational chart, and staffing patterns for the new Office of Civil Rights were developed. This information was compiled and placed into the civil rights reorganization package ("1010").

Designed for an effective civil rights program, the new structure included several new divisions: Program Investigation; Tracking, Applications, and Analysis; and Accountability. The Tracking, Applications, and Analysis Division will develop and administer information systems to collect, track, and analyze statistical data and conduct trend analysis to identify systemic equal opportunity and civil rights problems in USDA. The Policy and Planning Division will establish and disseminate civil rights policy. The Program Investigations Division will conduct compliance reviews and audits to ensure enforcement of all applicable civil rights laws, rules, and regulations.

The Office of Civil Rights was strengthened by hiring 14 permanent and 13 temporary investigators to replace the investigative unit that was dismantled in 1983. In all, the office has hired an additional 34 staff members, including economists, statisticians, computer specialists, and support staff.

When fully implemented, these recommendations assure that USDA will have a civil rights office with the staff and expertise capable of providing the kind of guidance and oversight that USDA agencies need to improve in civil rights.

Documents Issued

Civil Rights Reorganization Plan

Responsibility Delegated To

Director, CR

The USDA Civil Rights Office will proactively promote civil rights at USDA, provide guidance and oversight to agencies, establish and disseminate civil rights policy, update regulations, and conduct compliance reviews and audits to ensure enforcement of all applicable civil rights laws, rules, and regulations.

Action Taken

In March 1997, the civil rights offices under the Office of Operations and all the offices under the Policy Analysis and Coordination Center - Civil Rights were consolidated under the Office of Civil Rights. New functional statements, organizational chart, and staffing patterns for the new Office of Civil Rights were developed. This information was compiled and placed into the civil rights reorganization package ("1010").

Designed for an effective civil rights program, the new structure included several new divisions: Program Investigation; Tracking, Applications, and Analysis; and Accountability. The Tracking, Applications, and Analysis Division will develop and administer information systems to collect, track, and analyze statistical data and conduct trend analysis to identify systemic equal opportunity and civil rights problems in USDA. The Policy and Planning Division will establish and disseminate civil rights policy. The Program Investigations Division will conduct compliance reviews and audits to ensure enforcement of all applicable civil rights laws, rules, and regulations.

The Office of Civil Rights was strengthened by hiring 14 permanent and 13 temporary investigators to replace the investigative unit that was dismantled in 1983. In all, the office has hired an additional 34 staff members, including economists, statisticians, computer specialists, and support staff.

When fully implemented, these recommendations assure that USDA will have a civil rights office with the staff and expertise capable of providing the kind of guidance and oversight that USDA agencies need to improve in civil rights.

Documents Issued

Civil Rights Reorganization Plan

Responsibility Delegated To

Director, CR

Recommendation 81

USDA's Director of Civil Rights is ultimately accountable for investigations of program discrimination complaints. The Director may delegate to agency civil rights directors the authority to conduct preliminary investigations of program discrimination complaints, but must document any such delegation in writing, and may withdraw such authority from the agencies.

Action Taken

CR is now responsible for conducting all program investigations. Agencies no longer have the authority to conduct preliminary investigations of program complaints involving discrimination. In a December 1997 memorandum, CR's Director informed agencies that they no longer have authority to conduct preliminary inquiries and should prepare and submit to CR an agency response to a complaint within 24 days of initial filing. All responses must meet minimum information requirements. This memorandum rescinded an earlier memorandum issued in September 1997.

Documents Issued

Memorandum from Director, CR, to Agency Heads and civil rights directors, "Program Investigations," September 15, 1997.

Memorandum from Director, CR, to Agency Heads and civil rights directors, "Program Investigations," December 1997.

Responsibility Delegated To

Director, CR

The Director of Civil Rights will focus on improving the Department's enforcement of civil rights laws in program delivery, and ensure that adequate funds are allocated to enforcing civil rights in program delivery. The Director should consider re-establishing the position of desk officer or similar position that would provide specialized services to individual agencies.

Action Taken

A reorganization package for the Office of Civil Rights establishes a Program Investigations Division to investigate and process individual and class program complaints. A Secretary's Memorandum 1010-4 was issued May 16, 1997, delegating full authority for investigating program complaints to the Office of Civil Rights.

Congress approved additional funding for USDA's Office of Civil Rights for civil rights enforcement activities. They further approved full funding for the establishment of an investigative unit within the Office of Civil Rights. The President approved the appropriations bill on November 19, 1997.

In addition, a memorandum from the Director, Office of Civil Rights, to Agency Heads was drafted informing them of the additional role of desk officer that will be assigned to the Special Emphasis Program Managers.

By focusing more resources on program delivery, CR will be able to reduce the backlog of program discrimination complaints while ensuring that all program complaints are investigated by highly qualified investigators.

Documents Issued

Civil Rights Reorganization Package (1010), "Program Investigations Division" (in process).

CR Memorandum to Agency Heads regarding role of desk officers (in process).

Recommendation 82

Responsibility Delegated To

Director, CR

Recommendation 83

Give the Department's new Director of Civil Rights the authority to create a quality, competent staff which is capable of implementing an effective civil rights program at USDA. This authority includes the flexibility to reassign and hire staff.

Action Taken

In March 1997, the civil rights offices under the Office of Operations and all the offices under the Policy Analysis and Coordination Center - Civil Rights were consolidated under the Office of Civil Rights. New functional statements, organizational chart, and staffing patterns for the new Office of Civil Rights were developed. This information was compiled and placed into the civil rights reorganization package ("1010").

When fully implemented, these recommendations assure that USDA will have a civil rights office with the staff and expertise capable of providing the kind of guidance and oversight that USDA agencies need to improve in civil rights.

Documents Issued

Secretary's Memorandum 1010-4, "Restructuring of Departmental Administration," May 16, 1997. CR 1010 Reorganization Package (in process).

Responsibility Delegated To

Director, CR Director, HRM

Recommendation 84

Change the designation of the Director of Civil Rights from general to career reserved, but do not allow that process to hold up the immediate appointment of a permanent Director of Civil Rights.

Action Taken

An SES position was established and a Director of the Office of Civil Rights named in March 1997. The position has now been redesignated as career reserved.

Documents Issued

None

Responsibility Delegated To

Director, HRM

Recommendation 85

To ensure civil rights accountability, OGC must demonstrate its commitment to civil rights by establishing a division dedicated to providing legal counsel to the Department and agency officials on civil rights issues and diversifying its staff of attorneys starting at the highest levels.

Action Taken

The Secretary approved the establishment of a new civil rights division within OGC. A new Associate General Counsel for Civil Rights was named in December 1997. The Associate will head the civil rights division, which will be staffed with attorneys who specialize in civil rights law and will be able to provide USDA with the expertise it needs to make certain that employment and program delivery activities are conducted in accordance with civil rights law, rules, and regulations. Staffing of the unit is pending full funding.

Documents Issued

OGC Memorandum to the Deputy Secretary, "Additional Funding for Civil Rights Unit in Fiscal Years 1998 and 1999, August 20, 1997. Senior Executive Service Vacancy Announcement No. OGC-7-07, June 19, 1997.

Revised Organizational Plan for OGC.

Responsibility Delegated To

Director, OGC

Recommendation 86

To ensure that each USDA agency has civil rights accountability, each agency must have a civil rights director who reports to the Agency Head. Any exception to the reporting line must be approved by the Secretary. The director will have primary responsibility for ensuring that the agency enforces all civil rights laws and that the agency complies with all complaints processing timeframes. Departmental staffs (OGC, OIG, OBPA, etc.) must have effective civil rights programs with a measurable mechanism for feedback to the Secretary on their civil rights performance.

Action Taken

Departmental Regulation 4300-5 informed all Agency Heads of the requirements for their civil rights programs, including having all civil rights directors report to the Agency Head, with any exceptions to be approved by the Secretary. This requirement enhances the role of civil rights directors in ensuring that agencies comply with all civil rights laws, rules, and regulations and provides for their direct involvement in major decisions that affect civil rights. Agencies must also demonstrate that their services are available in a nondiscriminatory manner by installing a system for statistical evaluation and reporting to measure program participation, establishing information/public notification and outreach procedures, and establishing goals to increase the participation of under-represented groups. CR will monitor and oversee agency civil rights activities and prepare regular reports for ASA.

Documents Issued

Departmental Regulation 4300-5, "Agency Civil Rights Programs," January 14, 1998.

Responsibility Delegated To

Director, CR

Recommendation 87

Agency civil rights programs must include program planning/analysis, compliance, and complaints management. In addition, agencies must have documented, measurable goals and timetables to address civil rights in program delivery and employment, under-representation, work force diversity, and procurement.

Action Taken

Agencies will also be required to demonstrate that their services are available in a nondiscriminatory manner, by installing a system for statistical evaluation and reporting to measure program participation, establishing information/public notification and outreach procedures, and establishing goals to increase the participation of under-represented groups.

A Departmental Regulation establishes civil rights goals. CR is developing performance measures for these goals.

Documents Issued

Departmental Regulation 4300-5, "Agency Civil Rights Programs," January 14, 1998.

Responsibility Delegated To

Director, CR

The EEO counselor positions, including resources, must be returned to the agencies from the Department's Civil Rights Office. All EEO counselors must be in full-time civil rights positions.

Action Taken

The counselors were returned to the agencies. Employees were identified for transfer based on retention standing and preferences, where possible. Transfer-of-function letters were issued and employees were reassigned effective October 1, 1997.

To alleviate problem situations for some employees who were unable to relocate, the Office of Civil Rights requested approval of an early-out retirement and buy-out authority. The request was approved on July 11, 1997. Four employees elected the early-out retirement and/or buy-out option.

CR will provide oversight, guidance, and direction to the agency complaints programs and will administer the Department's formal equal employment opportunity complaint program. With the transfer of the counseling program, agencies will be delegated the appropriate authorities to carry out the employment counseling and complaints management programs.

The return of EEO counselors to the agencies permits them to take responsibility for their own EEO complaints management program. This should alleviate any future backlog because agencies will be initially involved at the onset of a complaint, thereby having maximum input to the resolution process. Since the agencies will be more closely involved with informal complaints, they will have a more vested interest in their resolution. This process should reduce the number of formal complaints filed. This also allows CR to provide the necessary oversight and monitoring of USDA's complaints program; provide assistance to the agencies, employees, and outside customers; and effectively administer the Department's formal equal employment opportunity complaint program. CR is currently working to provide processes and mechanisms to oversee and monitor the EEO complaints programs within the agencies.

Documents Issued

CR Director Memorandum to Agency Heads, "Closure of Regional Service Centers," June 11, 1997.

Responsibility Delegated To

Director, CR Director, PPM

Adopt and announce as USDA's official policy that management is responsible for preventing conflict and resolving disputes at the lowest possible level by resolving the underlying issues and preventing recurrence of conflicts. Resolve conflicts using an "interest-based" approach.

Action Taken

USDA has drafted a comprehensive conflict management policy. The two essential elements of the program are training in conflict resolution skills for USDA employees, and greater use of alternative dispute resolution processes to achieve early resolution of workplace disputes outside the formal complaint systems. To provide a viable forum to address conflict that may not involve discrimination, ASA established a USDA Conflict Prevention and Resolution Center. The Center eventually will be located in a neutral location in the Department—not in CR—and will coordinate the Department's conflict prevention and early-resolution activities.

Documents Issued

Departmental Regulation, "Conflict Prevention and Resolution" (in process).

Responsibility Delegated To

Director, CR Administrative Support Office, ASA

Recommendation 90

Convene a team, with representatives from all mission areas/agencies, to develop a USDA program implementing the Department's new conflict management policy.

Action Taken

This recommendation was implemented in conjunction with recommendation 89.

Documents Issued

Departmental Regulation, "Conflict Prevention and Resolution" (in process).

Responsibility Delegated To

Director, HRM

Administrative Support Office, ASA



Eliminate the Dispute Resolution Boards and close the Department's Civil Rights Regional Service Centers.

Action Taken

This recommendation was implemented in conjunction with recommendation 88.

Documents Issued

Memorandum from ASA and Director, CR, "Closure of Regional Service Centers," June 1997.

Responsibility Delegated To

Director, CR

Consolidate all administration and management functions under the ASA with full delegation of authority. This consolidation will bring the Chief Financial Officer, the Chief Information Officer, the Office of Small and Disadvantaged Business Utilization, and the Service Center Implementation Team under the ASA.

Action Taken

The 1010 Reorganization Package to reorganize the current offices and create new staff is in clearance. A Secretary's Memorandum, issued in May 1997, established the new Office of Civil Rights, Office of Human Resources Management, and the Office of Procurement and Property Management. Additionally, it modified the assignment and functional responsibilities of OO and the OSDBU to report to the ASA, and abolished the Policy Analysis and Coordination Center and the Departmental Administration Management Services Staff.

Documents Issued

Secretary's Memorandum 1010-4, "Restructuring of Departmental Administration," May 16, 1997.

Responsibility Delegated To

Assistant Secretary for Administration

Civil Rights Implementation Team Members

Executive Leadership

Dan Glickman, Secretary
Richard E. Rominger, Deputy Secretary
Pearlie S. Reed, Acting Assistant Secretary for
Administration

Civil Rights Implementation Team

Katherine C. Gugulis, Acting Associate Assistant
Secretary for Administration (Team Leader)
Mike Alexander, Office of Civil Rights
Rudy Arredondo, Rural Development
Anjali Athavale, National Finance Center
Cindy Beasley, Natural Resources Conservation Service
John Bottum, Cooperative State Research, Education
and Extension Service
Star Bryant, Farm Service Agency
Paggy Cook, Foopomic Paggarch Service

Peggy Cook, Economic Research Service
Denise Decker, Natural Resources Conservation Service
Glenn Graham, Farm Service Agency
LeRoy Hall, Farm Service Agency
Maxie Hamilton, Forest Service
Anthony Harrison, Farm Service Agency
Marcella M. Hilt, Office of Communications
Roland Johnson, Natural Resources Conservation
Service

Jeffrey Knishkowy, Office of the General Counsel **Robert Langan**, Natural Resources Conservation Service

Sylvia Magbanua, National Agricultural Statistics Service

Dale Mitchell, Agricultural Marketing Service Mark Mulugeta, Risk Management Agency Susan Odle, Natural Resources Conservation Service Carolyn Parker, Rural Development Reginald Pasteur, Agricultural Marketing Service Steve Probst, Natural Resources Conservation Service Giavanna Pullen, Office of Small and Disadvantaged Business Utilization George Robertson, Animal and Plant Health Inspection Service

Vanessa Ross, Forest Service
Faye Shon, Forest Service
Richard Vigil, Natural Resources Conservation Service
Quinton Wilform, Rural Development
Dennis Workeman, Rural Development
LaTanya Wright, Food Safety and Inspection Service
Tammera Wright, Agricultural Research Service
Mon Yee, Natural Resources Conservation Service

Civil Rights Action Team Advisors

Steve Anaya, Rural Development
Gary Barber, Office of the Chief Financial Officer
John Bottum, Cooperative State Research, Education
and Extension Service
Sharon Cooney-Smith, Farm Service Agency
Leonard Hardy, Rural Development
Karen Messmore, Food Safety and Inspection Service
Wilbur Peer, Rural Development
Jerry Sesco, Forest Service
Samuel Thornton, Office of Communications
Randy Weber, Farm Service Agency
Floyd Wheeler, Food and Nutrition Service
Robert Whiting, Human Resources Management
Joyce Willis, Marketing and Regulatory Programs
Mon Yee, Natural Resources Conservation Service

Executive Sponsors

Brian Burke, Natural Resources and Environment
I. Miley Gonzalez, Research, Education and Economics
Jill Long-Thompson, Rural Development
James Lyons, Natural Resources and Environment
August Schumacher, Jr., Farm and Foreign Agricultural
Services

Catherine Woteki, Food Safety (formerly with Research, Education and Economics)

Team Leaders

Rich Allen, National Agricultural Statistics Service **Karen Amorose**, Natural Resources Conservation Service

Adela Backiel, Office of Chief Economist Roger L. Bensey, Human Resources Management Larry Clark, Natural Resources Conservation Service

A.J. Dye, Cooperative State Research, Education and Extension Service

Sharron Harris, Office of Small and Disadvantaged Business Utilization

Tom Hebert, Natural Resources and Environment **Colien Hefferan**, Cooperative State Research, Education and Extension Service

Humberto Hernandez, Natural Resources Conservation Service

Alma Hobbs, Cooperative State Research, Education and Extension Service

Christine Pytel, Departmental Administration

Susan Reilly, Office of Civil Rights

Ronnie Tharrington, Rural Development

Randy Weber, Farm Service Agency

Thomas Weber, Natural Resources Conservation Service

David White, Natural Resources Conservation Service **Ted Wilson**, Cooperative State Research, Education and Extension Service

Lloyd Wright, Office of Civil Rights

Members of Subteams

Charles Adams, Natural Resources Conservation Service

Anne Almond, Foreign Agricultural ServiceRajen Anand, Center for Nutrition Policy and Promotion

Shoshana Avrishon, Agricultural Marketing Service

Wayne Baggett, Office of Communications

Paula Bailey-Johnson, Food Safety and Inspection Service

Judy Baker, Natural Resources Conservation Service Nicole Ballender, Economic Research Service Maxine Barron, Natural Resources Conservation Service

Albert Barros, Office of the Secretary

Kasturi Basu, Food Safety and Inspection Service

Gerry Baughman, Forest Service

David Bell, Office of Operations

Ed Biggers, Natural Resources Conservation Service

Norene Blair, Forest Service

Valerie Bowles, Farm Service Agency

Connely Bradley, Rural Development

Jim Bradley, Agricultural Research Service

Kathy Burgers, Forest Service

Shawntey Butler, Office of Civil Rights

Ted Butler, Rural Development

Kay Callins, Farm Service Agency

Lindsay Carter, Natural Resources Conservation Service

Tim Carter, Farm Service Agency

Deborah Cavett, Cooperative State Research, Education and Extension Service

Paul Cernik, Farm Service Agency

Velma Charles-Shannon, Office of Civil Rights

Milo Christensen, Food Safety and Inspection Service

Carole Clem, Food and Nutrition Service

Sheila Clemons, Animal and Plant Health Inspection Service

June Close, Office of Civil Rights

Bill Cobb, Farm Service Agency

Bernice Cockerall, Food and Nutrition Service

Ken Cohen, Office of the General Counsel

Sherry Cohen, Office of Small and Disadvantaged

Business Utilization

Marian Connolly, Forest Service

Bradley Conely, Rural Development
Carolyn Cooksie, Farm Service Agency
Earl Cosby, Natural Resources Conservation Service
Eva Cuevas, Office of Communications
Curt Dahlke, Human Resources Management
Rhonda Davis, Risk Management Agency
Rebecca de la Torre, Natural Resources Conservation
Service

Floyd Deloney. Forest Service

Curt Deville, Cooperative State Research, Education and Extension Service

Robert Dismukes, Economic Research Service Elnora Dooms, Farm Service Agency Judy Dudley, Modernization of Administrative Processes Program

Sam Dunlap, Agricultural Marketing Service Denis Ebodaghe, Cooperative State Research, Education and Extension Service

Eric Edgington, Risk Management Agency
Alan Epps, Natural Resources Conservation Service

Linda Epstein, Foreign Agricultural Service **Clyde Evans**, Farm Service Agency

Reba Evans, Office of the Secretary

Mark Falconi, Farm Service Agency

Ophelia Falls, Target Center

Michael Feinberg, Rural Housing Service

Bob Finch, Farm Service Agency

Anita Fisher, Farm Service Agency

Ray Fisher, Office of Operations

Lynn Flanagan, Office of the General Counsel

Mary Ann Fletcher, Forest Service

Dorothy Ford, Food and Nutrition Service

Claudian Forte, Office of Civil Rights

James Fortner, Farm Service Agency

Al French, Office of the Chief Economist

Pat Frick, Agricultural Research Service

Alberta Frost, Food Safety and Inspection Service

Alvin Fugh, Food Safety and Inspection Service

Larry Gambrell, National Agricultural Statistics Service

Sandra Gardei, Agricultural Marketing Service Dan Garvey, Food and Consumer Services

Dale Gentry, Forest Service

Carolyn Gethers, Animal and Plant Health Inspection Service

Jerold Gettleman, Food Safety and Inspection Service Jane Giles, Agricultural Research Service

Robert Gililland, Office of Operations

John Golden, Office of the General Counsel

Ricardo Gomez, Cooperative State Research, Education and Extension Service

David Grahn, Office of the General Counsel

Carl Grate, Rural Development

Elvis Graves, Natural Resources Conservation Service Anna Grayson, Animal and Plant Health Inspection

Service

Don Green, Office of Civil Rights

J. Michael Green, Office of Small and Disadvantaged Business Utilization

Arnold Grundeman, Office of the General Counsel Martha Guerra-Arteaga, Natural Resources Conservation Service

Nancy Hall, Forest Service

Velton Hall, Farm Service Agency

Blanche Hamilton, Rural Development

Sue Harris-Green, Rural Housing Service

Bill Hartman, Natural Resources Conservation Service

Rose Hayes, Farm Service Agency

Maryann Hicks, National Agricultural Statistics Service

Ronnie Hicks, Food Safety and Inspection Service

Joe Hoffman, Farm Service Agency

Lena Hogan, Office of Communications

Barbara Holland, Human Resources Management

Larry Holmes, Natural Resources Conservation Service

Denise Howell Parker, Forest Service

Susan Huke Stein, Forest Service

John Impson, Cooperative State Research, Education and Extension Service

Jeanne Jacobs, Rural Development

Dean Jensen, Farm Service Agency

Andrew Johnson, Office of Civil Rights

Kenneth Johnson, Animal and Plant Health Inspection Service

Tracy Jones, Farm Service Agency

Debra Kenerson, National Agricultural Statistics Service

Gina Kerzman, Natural Resources Conservation Service

LouAnne Kling, Farm Service Agency

Bruce Kreller, Rural Development

Linda Lankford, Foreign Agricultural Service

Elaine Larison, Rural Development

Gerald Larson, Office of Budget and Program Analysis

Helen Lee, Natural Resources Conservation Service

Warren Lee, Natural Resources Conservation Service **Clarence Lemon**, Animal and Plant Health Inspection Service

David Lewis, Rural Development **Robert Lewis**, Forest Service

Colonel Locklear, Animal and Plant Health Inspection Service

Deborah Lombardino, Risk Management Agency **Raymond Lopez**, National Association for State and County Office Employees

Jeff Loser, Natural Resources Conservation Service

Jim Lucas, Farm Service Agency

Alex Lucero, Farm Service Agency

Verle Malik, Farm Service Agency

Dennis McCraw, Farm Service Agency

Malachi McCullough, Farm Service Agency

Barbara McDonald, Forest Service

Anne McGuigan, Food Safety and Inspection Service

Linda Melchert, National Association for State and County Office Employees

Roger Mireles, Farm Service Agency

Bob Miso, Natural Resources Conservation Service

Wayne Morgan, Farm Service Agency

Angela Morrall, Rural Development

Brenda Morton, Rural Development

Jerry Mossman, Farm Service Agency

Barbara Myrick, Office of Civil Rights

Sharon Nance, Natural Resources Conservation Service

Sonya Neal, Office of Civil Rights

Craig Nehls, Farm Service Agency

Eric Olsen, Office of the Secretary

Jackie Ott, Farm Service Agency

Melvin Padgett, Rural Development

Ann Parada, Office of Civil Rights

Maria Patterson, Cooperative State Research,

Education and Extension Service

Sandy Penn, Natural Resources Conservation Service

Lynn Pickenpaugh, Farm Service Agency

Jim Piper, Natural Resources Conservation Service

Edwardene Pitcock, Human Resources Management

Keith Pitts, Office of the Secretary

Deanna Plauche. Rural Utilities Service

Bonnie Poli, Agricultural Marketing Service

Wayman Ponds, Farm Service Agency

Korona Prince, Agricultural Research Service

Keith Prue, Human Resources Management

Michelle Radice, National Agricultural Statistics Service Sylvia Rainford, Natural Resources Conservation Service

Jess Rajan, Food Safety and Inspection Service

Roger Rayburn, Natural Resources Conservation Service

Brad Rein, Cooperatove State Research, Education and Extension Service

Guadalupe Renteria, Forest Service

Bobby Reynold, Farm Service Agency

Sam Rives, National Agricultural Statistics Service

John Robertson, Human Resources Management

Edith Romero-Bruner, Rural Development

Jim Root, Farm Service Agency

Rand Ruggirri, Farm Service Agency

Jaru Ruley, Office of the General Counsel

David Rust, Agricultural Research Service

Farook Sait, Office of Civil Rights

Colleen Schneider, Natural Resources Conservation Service

Beth Schuler, Natural Resources Conservation Service

Susan Self, Farm Service Agency

David Shea, Office of Operations

Nattie Silva. Forest Service

Linda Simmons, National Finance Center

William Simpson, Rural Housing Service

Charles Sims, Farm Service Agency

David Skeen, Modernation of Administrative Processes Program

Janet Sledge, Office of Communications

Helen Smith, Farm Service Agency

Lannie Smith, Natural Resources Conservation Service

Nancy Smith, National Appeals Division

Tricia Smith, Farm Service Agency

Amy Snyder, Office of Budget and Program Analysis

Rhey Solomon, Forest Service

Mike Somerville, Natural Resources Conservation Service

David Spradlin, Human Resources Management

Peggy St. Peter, Forest Service

Tade Sullivan, Farm Service Agency

Barnedia Talley, Chief Financial Officer

Bonnie Tanner, Farm Service Agency

James Tatum, Natural Resources Conservation Service

Juanda Taylor, Office of Civil Rights

George Thomas, Food and Nutrition Service

Mary Jo Thompson, Human Resources Management Vionnette Tidwell, Office of Civil Rights William Tito, Farm Service Agency William Toney, Rural Housing Service Ellie Towns, Forest Service Rosendo Trevino. Natural Resources Conservation

Service John Valencia, Office of Civil Rights Blake Velde, Hazardous Waste Management David Villano, Rural Housing Service Jim Vollmer, Rural Housing Service Ronnie Walkow, Office of the General Counsel Kim Wardenski, Farm Service Agency Charles Warrick, Human Resources Management Gary West, Farm Service Agency Charles Whitaker, Natural Resources Conservation Service

Barbara White, Cooperative State Research, Education and Extension Service Homer Wilkes, Natural Resources Conservation Service Jo Williams, Natural Resources Conservation Service Linda Williams, Farm Service Agency David Winningham, Farm Service Agency

Jerry Wishall, Farm Service Agency

Melvin Womack, Natural Resources Conservation Service

Dan Woodhead, Food and Nutrition Service Josie Woodley-Jones, Office of Civil Rights Emily Wright, Farm Service Agency Jeremy Wu, Office of Civil Rights Yuen-Gi (Bernie) Yee, Forest Service Tia Young, Assistant Secretary for Administration Janet Zeller, Forest Service

Facilitators

Jane Berkow, Animal and Plant Health Inspection

Tim Blackburn, Animal and Plant Health Inspection Service

Pat Browne, Economic Research Service Pat Cecil. Natural Resources Conservation Service Jackie Conyers, Agricultural Research Service Jerry Coursey, Animal and Plant Health Inspection Service

Art Goldman, Office of Operations Sheila Greene, Natural Resources Conservation Service Sue Hawkins, Animal and Plant Health Inspection Service

Hans Heidenreich, Natural Resources Conservation Service

Kathy Huey, Natural Resources Conservation Service Rhea Jack, Natural Resources Conservation Service Carla Kertis, Natural Resources Conservation Service Torrie Mattes, Food Safety and Inspection Service Catherine Mitchell, Animal and Plant Health Inspection Service

Linda Raudenbush, National Agricultural Statistics Service

Roslyn Robinson, Food Safety and Inspection Service John Sharkey, Human Resources Management Sandra Smiley, Natural Resources Conservation Service Thelma Strong, Forest Service

Lamont Turner, Animal and Plant Health Inspection Service

Toni Walls, Agricultural Research Service Jan Williams, Agricultural Marketing Service

Abbreviations

AERP Affirmative Employment Recruitment Program

AIHEC American Indian Higher Education Council

AMA American Medical Association

AMS Agricultural Marketing Service

ARS Agricultural Research Service

APHIS Animal and Plant Health Inspection Service

ASA Assistant Secretary for Administration

CFO Chief Financial Officer

CIO Chief Information Officer

CR Office of Civil Rights

CSREES Cooperative, State, Research, Education & Extension Service

CRAT Civil Rights Action Team

CRIT Civil Rights Implementation Team

DA Departmental Administration

DOI Department of the Interior

DOJ Department of Justice

DOL Department of Labor

EEO Equal Employment Opportunity

ERS Economic Research Service

FAIR Federal Agriculture Improvement and Reform Act

FAO Food and Agriculture Organization

FAS Foreign Agricultural Service

FNS Food and Nutrition Service

FNCS Food, Nutrition and Consumer Services

FS Forest Service

FSA Farm Service Agency

GIPSA Grain Inspection, Packers & Stockyards Administration

GAO General Accounting Office

GPRA Government Performance & Results Act

HACU Hispanic Association of Colleges & Universities

HBCU Historically Black Colleges & Universities

H. R. 2185 The USDA Accountability and Equity Act of 1997

H. R. 2534 Agricultural Research, Extension, and Education

Reauthorization Act of 1997

HRM Human Resources Management

MRP Marketing and Regulatory Programs

NAD National Appeals Division

NASS National Agricultural Statistics Service NFAC National Food & Agriculture Council

NOC National Outreach Council

NRCS Natural Resources Conservation Service

NRE Natural Resources and Environment
OAS Office of Administrative Support

OBPA Office of Budget and Program Analysis

OC Office of Communications

OCE Office of the Chief Economist

OCR Office of Congressional Relations

OFS Office of Food and Safety

OGC Office of the General Counsel

OIG Office of the Inspector General

OO Office of Operations

OPM Office of Personnel Management

OSDBU Office of Small and Disadvantaged Business Utilization

OSEC Office of the Secretary

OTA Office of Tribal Affairs

PPM Procurement & Property Management

RBS Rural Business—Cooperative Service

RD Rural Development

REE Research, Education, and Economics

RHS Rural Housing Service

RMA Risk Management Agency

RUS Rural Utilities Service

SES Senior Executive Service

SFAC State Food & Agriculture Council

S. 1150 Agricultural Research, Extension, and Education Reform Act of

1997

SOC State Outreach Council

